



3 1761 11893680 6



Digitized by the Internet Archive
in 2024 with funding from
University of Toronto

<https://archive.org/details/31761118936806>

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO ANTI-DISCRIMINATION COMMISSION

20N
72
85
Vol. 1

November, 1960

No. 1

Human Rights Are in Your Hands

WHEN Ontario's Twenty-first Legislature, in 1944, enacted The Racial Discrimination Act, making it an offence to publish or display any notice, sign, symbol or other representation expressing racial or religious discrimination, the Province thereby embarked upon an entirely new course in the defence of the rights of all its citizens. It was an affirmative expression by the representatives of the people that such discrimination against any person threatens, not only the individual affected, but the very institutions and foundations of our democracy. Introducing the legislation the then Premier explained the principle on which it was based in these words:

"If you discriminate against any person because of race or creed in respect of his ordinary rights as a citizen, you deny that equality which is part and parcel of the very freedom we are fighting to preserve. We have a very simple choice to make. When we say that Canada is a land of freedom and equality, we either mean what we say or we do not. If we permit signs and notices to be put up in conspicuous places indicating that any particular group of people are denied the ordinary rights available to all other people, then those who should be most indignant are not the people against whom the signs and notices are directed, but those whose basic principles of freedom, justice and equality have been insulted."

In line with that same principle, there followed in 1951 The Fair Employment Practices Act which provides that:

An individual's race, creed, colour, nationality, ancestry or place of origin must not be determining factors in:

- (a) hiring or firing;
- (b) treatment in employment;
- (c) admission to or membership in a trade union.

It is against the law for employment application forms to seek information on an individual's race, creed, colour, nationality, ancestry or place of origin; it is also illegal for employment advertisements to suggest either directly or indirectly any preferences or limitations of a discriminatory nature.

In 1954, the Legislature passed The Fair Accommodation Practices Act which provides that:

The accommodation, services or facilities of such public places as hotels, restaurants, stores, barber shops, etc., must not be denied to an individual on account of his race, creed, colour, nationality, ancestry or place of origin.

The law also prohibits notices, signs, symbols or other representations expressing racial or religious discrimination.

Taken together, the two Acts con-

stitute the Ontario Human Rights Code, based upon the principles of the Universal Declaration of Human Rights.

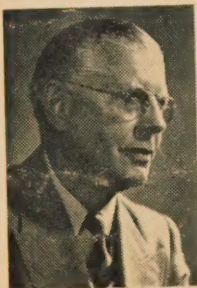
IN the course of the debate on these measures, both in and outside the Legislature, it was clearly recognized that they would not by themselves eliminate prejudice and animosity. These are age-old evils and are not limited to any one group or groups. They are the ugly companions of warped souls and the scourge of any civilized society. They will not be overcome by law alone but by enlightenment and understanding, the development of which is a prime

(Continued on Page 2)

OUR FIRST OBLIGATION

ON DECEMBER 10th, 1948, the conscience of mankind found expression in a great document adopted by the General Assembly of the United Nations — the Universal Declaration of Human Rights, which affirms that "recognition of the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

We are very proud that four years prior to the adoption of the Declaration, the Ontario Legislature unanimously passed the *Racial Discrimination Act* based on the principle that every person is free and equal in dignity and rights regardless of race, creed, colour, nationality, ancestry or place of origin.



Since then, our Legislature has enacted into law a number of other similar measures which now constitute our Human Rights Code.

As citizens of a country whose parliament has ratified the Universal Declaration of Human Rights, Canadians must always be concerned with, and must never hesitate to condemn, the denial or curtailment of those rights anywhere in the world. At the same time, we must never forget that our very first obligation is to make certain that the principles of the Declaration are fully practiced here at home. Our example will always carry greater conviction than our words.

In recognition of the 12th Anniversary of the Universal Declaration of Human Rights, and as part of our effort to create a wider area of co-operation and a climate of public opinion favourable to the acceptance and practice of our own Human Rights Code, we call upon our public men and women, our churches, synagogues, universities, schools, trade unions and other community organizations to find an occasion, most convenient to them, during the week of December 4 to 11 to re-study the Declaration and, in particular, to re-examine the state of our human rights practices here at home.

This important anniversary, coming as it does on the eve of the season of "Goodwill to men" will provide a splendid opportunity for the people of Ontario, individually and collectively, to "acknowledge the duty that accompanies every right" — the duty to defend the rights of others.

LESLIE M. FROST,
Prime Minister of Ontario.

HUMAN RIGHTS ARE IN YOUR HANDS

(Continued from Page 1)

task of the home, the church and the school. As Premier Frost has pointed out: "It is not just tough laws that make men and women do the right, but obedience to the law, which comes, not from fear of sanctions, but rather from a desire to respect the dignity and rights of their fellow citizens, regardless of race, creed, or colour. Racial and religious discrimination is nothing short of ignorance in action and must be abhorred by all intelligent men and women."

A great humanist once said that "As long as people believe absurdities about their fellowmen, they will continue to commit atrocities." In this age of enlightenment, surely there is no greater absurdity than racism and no greater atrocity than to deprive a citizen of his dignity and of his right to life and liberty. Modern science has finally disposed of the myth of "racial superiority" and has come into line with the ancient religious seers who proclaimed that "God hath made of one blood all the nations that dwell on the face of the earth"; and who gave us a code of human behaviour on which no modern sociologist has been able to improve — "As ye would that men should do to you, do ye also unto them".

IN its effort to meet the problem of discrimination, Ontario's Human Rights Code places the emphasis on conciliation and persuasion, recognizing that discrimination is usually based on ignorance. For that very reason, the legislation provides a method by which people of goodwill can come together to discuss and solve their problems. But it also provides enforcement weapons to be employed when the expressed desire of the people of Ontario is being thwarted willfully.

The Fair Employment Practices Act is not an attempt at thought control. It is directed against acts of discrimination in much the same way as laws are directed against stealing and not greed; against murder, rather than passion and hate. It is when prejudice is translated into overt acts of discrimination which deprive another citizen of his dignity and his right to live that it becomes a matter demanding legislation and the intervention of the law. As Ralph Allen, former editor of *Maclean's* put it "Law is not a full substitute for sense and decency, but it is often a mighty useful partner . . ."

If, because of his race, religion, colour or nationality, any person is not permitted to develop his full potential through work opportunity, his earning power is thereby restricted, his family is



Booth attendants at this year's Ontario Citizenship Division display at the C.N.E., dressed in national costume of their country of origin (from left to right): M. Ma (Chinese), Christina Trangon (Austrian), Kulevart Baserke (Indian), Jurate Dailydaite (Lithuanian), Maria Saurer (Austrian), Dunja Herzeg (Croatian), Sofja Dumancic (Croatian), Srebranca Prolic (Croatian), I. Kolszi (Hungarian), Danielle Stanojevich (Serbian), Paula Zach (Austrian), Virginia Lee (Chinese).

made to suffer and the entire community is the poorer. He has, in fact, become a second-class citizen.

It has been shown by experience that Anti-Discrimination laws do deter, minimize and correct such violations of human rights by giving sanction to fair practices and thus strike directly at the root of prejudice. The fact remains, however, that human rights are dependent in no small measure on the attitude of the individual citizen and his sense of obligation to his fellowmen. In a democratic society such as ours, the rights of each man end at that point where they encroach upon the rights of others. A great citizen of Ontario and an ardent defender of human rights, the late J. V. McAree, once wrote "If we acquiesce in acts of injustice done to others, we will later find that our own shield against injustice has been destroyed."

SOMEONE has said that "prejudice consists in being down on something we are not up on". Certainly it can be said that Canadians whose prejudices

cause them to discriminate against their fellow citizens, as well as those who regard such discrimination as something new, are certainly not "up on" the history of their own country. It is all too often overlooked that most of the liberties we take for granted today had to be wrested from people of prejudice — even the simplest rights: to petition the Crown; the right to elementary education; the right to religious freedom and the right to be represented in Parliament.

It was in the struggle for these elementary rights that the people learned to subordinate their racial and religious differences to the attainment of a common goal. Indeed but for the efforts of those early Canadians and their capacity to overcome the forces of religious prejudice and racial animosity, democracy as we know it today would not exist.

In the early days of our history prejudice was quite widespread and it was not an uncommon thing to see signs posted on places of employment in Ontario reading: "No Englishman need apply"; "No Irishman need apply". It was natural that the most impassioned appeals against this type of prejudice came from the newcomers, who had witnessed and felt its destructive effects in their former homelands.

It was the Irish immigrant D'Arcy McGee, later to become one of the architects of Confederation, who called on his new countrymen to "rise above all low limitations and narrow circumscriptions".

"We now live in a land of religious and civil liberty. All we have to do is, each for himself, to keep down dissensions which can only widen, impoverish and keep back our country; each for himself do all he can to increase its wealth,

(Continued on Page 3)

HUMAN RELATIONS

Vol. 1 - November, 1960 - No. 1

Published by the Ontario
Anti-Discrimination Commission
Department of Labour
8 York Street, Toronto

Honourable CHARLES DALEY,
Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary
Joyce Applebaum, Gordon Greenaway,
J. F. Nutland, Members.

Address all correspondence to:

Thomas M. Eberlee,

Room 262, Parliament Buildings,
Toronto.

HUMAN RIGHTS

(Continued from Page 2)

strength and its reputation; each for itself to welcome every talent, to hail every invention, to cherish every gem of, to foster every gleam of authorship, honour every acquirement and every natural gift; to lift ourselves to the level of our destinies; to cultivate that true holiness of spirit which embraces all races and all races in order to make our province, so rich in known and unknown resources, a great new northern nation."

WHEN these words were spoken a century ago only a few thousand people occupied this vast half continent called Canada. Had it not been for the great influx of immigrants from many distant lands, it would have been impossible to develop the great nation whose centennial we are soon to celebrate.

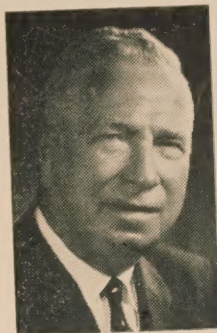
From the exertions of this partnership of peoples have come those great achievements in Science, Industry and Culture which have earned for Canada a foremost place in world esteem. In these achievements all members of the Canadian family have played their part in the enrichment of our national life. None is missing from the honour roll of our accomplishments. None is missing from the memorials that mark the last resting places of those who died in our nation's defence. While we have almost a century of history behind us, we have hardly scratched the surface of our potential and have, as yet, developed only a fraction of our vast territory. It is inevitable that in the future, as in the past, this great underdeveloped and under-populated country will have a powerful attraction to the people of other lands. When it is remembered that about one-half of Canada's present population consists of people who arrived here since the beginning of the century and their descendants, and that within that period we experienced our most rapid rate of economic development, we begin to realize how much our country owes to the contribution of the new Canadian. If we are really serious about the future development of our country we must expect in the years ahead to welcome even greater numbers from other lands who will bring with them their own cultural and religious traditions; their own skills and creative talents. Their contribution to Canada will be the richer if they are made to feel that they have come not to a "melting pot" but to a country whose development has always

The only stable state is one in which all men are equal before the law.

— Aristotle

One Thousand Clergymen Cooperate CHURCHES BACK CAMPAIGN IN SUPPORT OF HUMAN RIGHTS CODE

ALMOST one thousand clergymen of all faiths and denominations, are now co-operating with the Ontario Anti-Discrimination Commission in its effort to acquaint the people of the Province with the aims of the Human Rights Code and to win wider acceptance and application of its principles, according to a statement issued by the Honourable Charles Daley, Minister of Labour, whose Department administers the Code. The number of those who have expressed a willingness to assist is increasing from day to day.



Scores of municipalities across the Province have by resolution endorsed the Code and have publicly called upon their citizens to apply its principles in their community life.

The press, radio, television, public libraries, Y.M. & Y.W.C.A., service clubs, veterans' organizations, ratepayers' associations, fraternal societies, ethnic associations and other community groups are also giving the Commission their wholehearted co-operation.

Mr. Daley announced that during the past six months over 200,000 copies of the Commission's pamphlets, including 50,000 in the Italian language, have been distributed throughout the Province and are now circulating in just about all of Ontario's 900 municipalities.

The pamphlet Social Justice in Ontario, which explains the acts of the

Legislature on which the Human Rights Code is based is in its fourth printing and is now available in the French language.

"The Commission and its Chairman, Mr. Fine, have been greatly encouraged by the warm personal interest Premier Frost has taken in its work, and by the helpful assistance given by the Members of the Legislature of all political parties", said Mr. Daley. The Minister expressed his particular appreciation of the work being carried on by the trade unions of the Province through their Human Rights Committees.

"The many letters of commendation and support we have received in the past few weeks confirm the view expressed by the Premier at the outset of the campaign, that the Human Rights Code expresses the conscience of Ontario and that the overwhelming majority of our people are prepared to put it into practice."

"To all those who are assisting the Commission in its important task, we extend our grateful thanks", the Minister concluded.

been based upon the harmonious integration of its component parts.

ON HIS return from Queen Victoria's jubilee sixty years ago, Sir Wilfrid Laurier in an address to the Acadians of Nova Scotia said: "When I was in England, I had the pleasure of visiting one of those wonders of Gothic architecture which the hands of genius, guided by an invincible faith, have made into a harmonious whole in which granite, marble, oak and other materials were brought together. This cathedral symbolizes the nation which, I hope, Canada will become. As long as I live and am able to work in the service of my country, I shall be against the idea of changing the nature of its component parts. I want the marble to remain marble, the granite to remain granite, the oak to remain oak. My wish is to constitute from all these members, a nation that will become a leader among the great powers of the world."

In those words, we have a twentieth

century Canadianism at its best. It is in that spirit that our now greatly enlarged partnership of peoples should meet the problems of today and of the future. In such a Canada, men and women of every race, colour, and creed, will be able to walk in dignity, with their rights, their traditions, and their religious faiths respected. They will be able to live in mutual understanding, co-operation and goodwill. Native born and new Canadians will be able to unite their efforts in helping their country advance to a higher destiny in the century that lies ahead. Out of that period in our history when we were torn by strife and dissension come these words of warning and of promise:

"Rest assured, if we remain long as fragments we shall be lost. But let us be united, and we shall be as a rock, which unmoved itself, flings back the waves that may be dashed upon it by the storm."

Human Rights Week To Be Observed in Ontario Schools

ONTARIO'S six hundred secondary schools — public and private — have been asked by the Honourable John P. Robarts, Minister of Education to observe the period of December 4-11 as Human Rights Week.

In a special message to all principals Mr. Robarts suggested the holding of special assemblies and classroom discussions with the aim of impressing upon the pupils the importance of human rights.



"The youth of our province," said the Minister, "should be led to recognize the fact that racial and religious prejudice, intolerance and discrimination are alien to our Canadian tradition."

"In recent years, Ontario has been privileged to welcome great numbers of people from other lands who, with their skills and creative talents, have added their own special contributions to our national life. We must leave no doubt in the minds of these new members of our Ontario family that their life with us will be free from discrimination."

"Let us make Human Rights Week a reminder to be friendly and courteous throughout the year in our relations with people of all racial origins and religious beliefs, and make sure that understanding and goodwill shall prevail throughout our province," the Minister concluded.

LETTERS

Mr. Thomas M. Eberlee, Secretary, The Ontario Anti-Discrimination Commission.

Dear Mr. Eberlee:

WE NOTE that you indicate you would be pleased to have any suggestions upon use of the brochure entitled "Human Rights In Ontario".

We have a Public Speaking Class which includes 31 Industrial Foremen for which the writer is the instructor. Each Foreman in this class received a copy of your brochure. Each was directed to read it in its entirety and to prepare a brief talk upon a section as assigned. It was quite surprising to note the number of Foremen who were not aware that such legislation and such related educational methods were in practice under the Ontario Government. Quite a number of those in the Public Speaking class went to the Public Library and other sources to gather additional material on "Human Rights". In-

In a memorandum accompanying the Minister's message, Deputy Minister, Dr. C. W. Booth gave an outline of suggested activities for the week's program, together with special discussion material including books and plays.

"It is not expected", said Dr. Booth, "that all schools will deal with this matter in the same manner. Some may prefer to use the material for discussion in class periods. Others may prefer the holding of special events. Naturally the feelings of all pupils in the assembly or class will be considered in determining the treatment of the subject."

At the conclusion of the week's discussions, the findings and conclusions of the pupils will be made available for consideration and study in connection with future activities.

New Human Rights Film

'A Day In The Night of Jonathan Mole'

THIS film is a new half-hour production of the National Film Board built around a courtroom trial.

Jonathan Mole is a bitter and biased Canadian, who, one night, dreams he has power and authority. He is in a land called "Adanac", where things are topsyturvy. In Adanac there is a law which restricts better jobs to people of "pure stock."

This law is the direct opposite of the federal and provincial fair employment practices law in Canada. The application of the "pure stock" law restricting job opportunities to minority groups leads to charges against an Indian, a Jew and an immigrant, and the trial scene.

Jonathan Mole, the prejudiced little man, is the Lord Chief Justice in Adanac and hears the case.

If you want to know the rest of the story, arrange a film showing of Jonathan Mole.

"Jonathan Mole" has been shown at interpretations in the various talks were excellent and most thought provoking. This is merely passed on to you as a suggestion you might like to make to various YMCAs, YWCAs, schools, etc. as a basis of getting intensive study, discussion, and exchange of ideas.

John J. Halcrow,
General Manager, YMCA-YWCA.
London, Ont., Oct. 17, 1960

THE FRIENDLY HOST

"... Their hospitality toward all sorts of strangers is remarkable; they present to them, in their feasts, the best of what they have prepared. They never close the door upon a stranger, and once they have received him into their houses, they share with him the best they have; they never send him away..."

— Jean De Brebeuf

Life among the Hurons - 1635

THE SURLY DOORKEEPER

"Prejudice, that surly doorkeeper wrapped up in himself, frowns at newcomers and hinders their approach. Rather than receive a single ray of light from a stranger he prefers to stay forever isolated in his dark corner. He silences curiosity, chokes common sense, calls forth one after the other every evil passion to help him keep the stranger at a distance."

— John Cardner

Speech at the Canadian Institute

— 1866

several labour human rights conferences across Canada and has always aroused interest and discussion in the problems of prejudice and discrimination.

Racial and religious prejudice is not a monopoly only of the bigot. We all suffer from some prejudice to some degree and many subtle and insidious forms of racial and religious discrimination are faced daily by dozens of minority groups in Canada.

"Jonathan Mole" is an excellent and interesting film on its own. As a discussion spark plug in the examination of prejudice and discrimination it is head and shoulders above many other films in this field.

"Jonathan Mole" may be obtained from your local film council or the regional office of the National Film Board.

Reprinted from Human Rights Review

MANKINDE

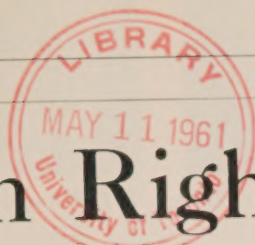
"No man is an Iland, intire of it selfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine own were. Any mans death diminishes me, because I am involved in Mankinde. And therefore never send to know for whom the bell tolls. It tolls for thee."

— John Donne (1573-1631)



HUMAN RELATIONS

PUBLISHED BY THE ONTARIO ANTI-DISCRIMINATION COMMISSION



March, 1961



No. 2

Human Rights Code Broadened

A MOVE to strengthen Ontario's Human Rights Code, Premier Leslie M. Frost has placed before the Legislature amendments to the Fair Accommodation Practices Act, which would prohibit discrimination in the renting of apartments in buildings containing more than six units.

At the same time Labor Minister Charles Daley introduced an amendment to change the name of the body charged with the administration of the legislation to the Ontario Human Rights Commission. The change is designed to strengthen the educational arm of the government's program, bringing into line with the positive approach of the Human Rights which encompasses all the people of Ontario.

Opposition Leader John J. Winter-eyer and Donald C. MacDonald, C.C.F. leader, warmly supported the principle on which the amendments are based and withheld comment on specific sections until they are dealt with in the Committee stage.

In his explanatory statement Premier Frost made reference to the submission of a 70-member deputation which had called on him several weeks earlier representing 42 organizations, including Municipalities, Churches, Trade Unions and Welfare Agencies. Through their spokesman Eamon Park, a former member of the Legislature, the group commended the government for the steps already taken to establish equality in employment and public accommodation. Sincerity, logic and morality" said Mr. Park "demand that we extend that principle to the area of residential accommodation".

The complete text of Premier Frost's statement to the Legislature follows:

★ ★ ★

THERE is no doubt that, in the realm of human rights, many developments, both at home and abroad, are deeply stirring the conscience of our people. One has only to read the sentiments contained editorially in Ontario's newspapers to observe that apartheid in South Africa is a cause of deep concern and that concern is felt over other occurrences even on our own continent. Leaders in church and university life have made very positive pronouncements. I refer to the statements made recently by such leaders as Bishop Wilkinson of the Anglican Church of Can-

ada, Dr. Murray Ross of York University and others.

Dr. Ross' statement taken from his inaugural address is perhaps typical:

"Lack of capacity to see the world feelingly is, perhaps, the greatest threat to our civilization. We stand today on the threshold of a great transition in world power. Unless the western world develops the ability

to know both with the mind and the heart, we will be unable to cope with this world of change."

This, undoubtedly, is the sentiment which is deeply stirring the minds of our people today. It is the reason why things which were accepted and perhaps appeared commonplace in other days are today becoming more unacceptable and more objectionable to our people.

This year, 1961, marks the one-hundredth anniversary of the outbreak of the American Civil War. That great struggle, both during the time leading up to the outbreak of hostilities when the causes became more unreconcilable, and

(Continued on Page 2)



The Ontario Anti-Discrimination Commission recently sponsored a contest for a Human Rights poster among students of the Ontario College of Art. Designer of the winning poster was Gordon Stromberg of Toronto, a fourth-year student in the College's Advertising Illustration Course.

Shown above from left to right: Gordon Stromberg, Louis Fine, Commission Chairman and Sydney M. Watson, principal of the Ontario College of Art with the winning poster.

The poster was displayed in secondary schools across Ontario during the week of December 4 to 11, which marked the twelfth anniversary of the adoption of the Universal Declaration of Human Rights. Copies are available for display in Church, Labor, Veterans and other Community Halls. Requests may be directed to Thomas M. Eberlee, Secretary, Room 262, Parliament Buildings, Toronto.

Human Rights Code Is Broadened

(Continued from Page 1)

during the war itself, was a period marked by an evolution in the thinking of men and the acceptance, sometimes by painful processes, of the concept of freedom, which, in the end, will always prevail. Undoubtedly, in our country and in the thoughts of people like us, there has been a great awakening to injustices which, perhaps unthinkingly, we have permitted in other times, but which today stand out increasingly as things which should be corrected.

★ ★ ★

ONE of the great and heartening things of today is the British Commonwealth of Nations which, as a moral force, has been gathering unbelievable strength,



Hon. L. M. Frost



Hon. Charles Daley



J. J. Wintermeyer



D. C. MacDonald

newness of viewpoint and acceptance in this world. The strength of the Commonwealth is not armed might — as a matter of fact, in today's world, this has greatly diminished and, in many ways, has ceased to exist. The Commonwealth's power is based upon moral force, arising out of the fact that it is a political organization where men and women of

every race, colour and creed can come together in dignity and equality of rights.

Down through the years, that thought has been well known in Canada. Had this basic concept of human rights not been adopted and applied by our original French and English partnership, Canada could not have survived as a nation. And, as that original partnership has been enlarged and enriched by the addition of people drawn from all parts of the world, this fundamental outlook has been retained and has been responsible in large part for our remarkable progress as a nation.

★ ★ ★

ARISING out of our people's basic belief in justice for men and women of all races and creeds, various laws have been enacted to give formal expression to our concept of human rights, to strengthen the fabric of our freedom and guarantee equality of opportunity for all, regardless of race or religion.

Seventeen years ago, this Legislature enacted The Racial Discrimination Act, making it an offence to publish or display any notice, sign, symbol or other representation expressing racial or religious discrimination. In 1950, The Labour Relations Act was amended to provide that any collective agreement which discriminates against any person in regard to race or religion is null and void. Also in 1950, the Conveyancing and Law of Property Act was amended to nullify any discriminatory covenant in the sale of land. In 1951, Ontario became the first jurisdiction in Canada to enact a Fair Employment Practices Act prohibiting discrimination in respect of the hiring or employment of any person. In 1954, we brought in The Fair Accommodation Practices Act which seeks to prevent acts of discrimination in respect of services, facilities and accommodation in places to which the public is customarily admitted. In recognition of the fact that laws by themselves will not put an end to discrimination, the Ontario Anti-Discrimination Commission was established in 1959 with the task of developing and conducting a province-wide program of education.

(Continued on Page 3)

HUMAN RIGHTS CONFERENCE

TORONTO (CPA)—With public attitudes toward racial and religious discrimination undergoing a marked change, Canadians are more prepared to combat such bias. This was the encouraging note sounded at a two-day Toronto Labor Conference on Human Rights.

More than 100 union delegates reviewed the past year's record in fighting discrimination patterns in housing and employment fields. They found many cases of bias but they discovered too that public exposure was the best antidote.

In such an atmosphere, governments are prepared to enact new anti-discrimination measures, predicted Sid Blum, assistant national secretary of the Canadian Labor Congress Human Rights Committee.

G. R. Carroll, director of the federal Labor Department's Fair Employment Practices Division, agreed that the climate with respect to racial and religious tolerance was improving.

What about specific examples of this change in climate?

A panel of four at the conference provided some of the answers.

Clarence Lewsey, a Negro porter and member of the Brotherhood of Sleeping Car Porters, reported on a Toronto District Labor Committee for Human Rights apartment rental survey.

Of 26 apartments checked in central Toronto, 10 were judged to be practising discrimination in rentals and four others were in the doubtful category.

But in several cases where the owner or apartment superintendent rejected the Negro applicant on the grounds that their tenants would object, the Toronto committee circulated a petition. The overwhelming majority of tenants signed indicating they had NO objection to a Negro tenant.

In an address to the conference, Eamon Park, assistant to the United Steelworkers of America's national director and chairman of the Toronto Human Rights Committee, stressed that the struggle for human dignity had always been an integral part of the trade union movement's objectives.

"We must work to enhance the human personality and create maximum opportunities for expression of that human personality."

The trade unions, Mr. Park said, had striven for full citizenship in the industrial community — and full citizenship meant the right to jobs, housing and community services without discrimination.

HUMAN RELATIONS

Vol. 1 - March, 1961 - No. 2

Published by the Ontario
Anti-Discrimination Commission
Department of Labour
8 York Street, Toronto

Honourable CHARLES DALEY,
Minister of Labour.

LOUIS FINE, *Chairman*
THOMAS M. EBERLEE, *Secretary*
Joyce Applebaum, Gordon Greenaway,
J. F. Nutland, *Members.*

Address all correspondence to:

Thomas M. Eberlee,
Room 262, Parliament Buildings,
Toronto.

Human Rights Code Is Broadened

(Continued from Page 2)

No doubt, when these steps were taken, there were some misgivings, based on a fear that such unique laws would not work. But they have worked because they are in harmony with the thinking of our people. The record of administration, indicates clearly that the Human Rights Code has won not only a wide acceptance in this Province, but also is practiced widely by the vast majority of our people.

★ ★ ★

In order to strengthen the educational arm of our program, the Ontario Anti-Discrimination Commission will be renamed the Ontario Human Rights Commission. This will be in line with the positive approach to human rights which encompasses all of the people of Ontario. In connection with apartment accommodation, we propose to take another step based on our people's traditional concept of fair play and concern for human rights. We propose to amend the Fair Accommodation Practices Act to prohibit discrimination in the renting of apartments in buildings which contain more than six units.

In forwarding the principles of human rights, we have, of course, been stressing education and enlightenment which, in the end, is the solution to the problem of discrimination. We have no desire, in combatting discrimination, to create a feeling of discrimination among certain people which would tend to nullify this effort. Prejudice, the thought which gives rise to acts of discrimination, is a personal thing. We can oppose it. We can educate against it. But we should not interfere with the manner in which an individual, in the light of his own conscience and as it is given to him to see the right, deals with his own personal life, except that in so dealing with it he does not offend against great public policy.

We should not interfere with the rights of people to choose their own friends and to operate their own homes as they see fit. Accordingly, we have confined this legislation, insofar as apartments are concerned, to the type of accommodation which can really be termed public accommodation. We intentionally omit the small accommodation and that is why the limit is arbitrarily set at more than six apartments. This involves no interference with the life of an individual in his own home, which is, after all, his castle. This general public policy is in line with the thinking which has been accepted so widely in the evolution of our Human Rights Code to date."

By THOMAS M. EBERLEE

ONTARIO TOURIST RESORT OPERATORS ENDORSE HUMAN RIGHTS CODE

ONTARIO resort operators at their January meeting unanimously endorsed a resolution declaring it to be the policy of the Association of Tourist Resorts of Ontario to comply fully, in the future, as in the past, with Federal and Provincial Human Rights legislation.

Referring to instances of discrimination reported in the public press, Dr. Lawson Mackle, vice-president of the Association, said:

"I hate to think as a Christian, that any man should have to go through life with the weight on his mind that he is not wanted."

During the past year, the Department of Labour has been called upon to investigate several complaints of discriminatory practices in resort areas. In a number of cases, following discussion with the Department's investigator, the operator has tendered an apology to the aggrieved person and has given an undertaking to open his facilities to all persons, regardless of race, colour or creed.

Ontario has a continent-wide reputation as an ideal vacation-land. This is based not only on our manifold natural attractions but also upon the excellence of our resort facilities. Just how harmful discriminatory practices can be to our good reputation is illustrated in a letter published elsewhere in this issue from a U. S. citizen who, with his wife and two small children, travelled a thousand miles to visit this province only to find he was "unwanted".

★ ★ ★

OUR resorts represent a big investment of time, labour and money by hundreds of individuals and everyone in Ontario is anxious to see them do well, for their prosperity benefits everybody. In 1954, the people through the Legislature placed upon our resorts, as well as upon all other purveyors of public services, facilities and accommodation, the responsibility of providing service to every person, regardless of race, creed, colour, nationality, ancestry or place of origin.

Early in January, the Commission, discussed the meaning and nature of this responsibility with representatives of the Association of Tourist Resorts of Ontario, including Mr. Didace Grise of Delawana Inn, Mr. George A. Martin of Wigwasson Inn, Mrs. Ruth Bestwick of Birch Point, Mrs. Grace Smith of Scot's Point Inn and Dr. Lawson Mackle of Lakeshore Hotel.

During the discussion, Mr. Louis Fine, Chairman of the Commission, emphasized that the Department has no wish to persecute or prosecute the resorts, but the Department does insist that the

law be observed. It was pointed out that resorts in selecting their clientele must not exclude persons on grounds of race, creed or colour, but that a resort's desire to be selective for reasons of dress, deportment, morals, etc., is quite understandable and does not come within the prohibitions of the Fair Accommodation Practices Act. It was also pointed out, however, that the Department will not tolerate the use of subterfuges designed to overcome the will of the people of Ontario, as expressed in the F.A.P. Act. The Commission's position was endorsed by the representatives of the Association.

★ ★ ★

THE Commission believes that the following points sum up the policy which the people of Ontario and the vast majority of resort operators wish to uphold in this field.

(1) An Ontario resort must be open to all who can meet its particular standards of dress, behaviour, financial responsibility, etc., without any regard to race, creed, colour, nationality, ancestry or place of origin.

(2) An Ontario resort operator should make it clear to his regular clientele, to the public, to other operators in his area, to fellow members of the associations with which he is connected, and, in particular, to his own employees that his establishment is run on a basis of equality of access to all races or creeds.

Some resort operators have expressed the fear that they will lose business if they follow a no-discrimination policy. But this has not been the experience of that vast majority of Ontario resorts where such a policy has always been practiced. Even the people among whom "pockets of prejudice" still exist in Ontario are coming to recognize that resort proprietors are bound by law not to discriminate and, as their awareness of our Human Rights Code increases, they will respect the position of proprietors who are conscientiously observing the law. The Commission recognizes, of course, that it has a responsibility for strengthening this public awareness of the Code so that the path of the resort proprietors will be made easier in following a no-discrimination policy. This is one of the aims of the Commission's educational work.

'Because We Were Black'

"I Travelled 1,000 Miles, To Be Refused Room In The Inn"*

CAN you imagine how I feel as I sit reading one of your many pamphlets on "How to make your Ontario vacation a memorable one", when having just returned from Ontario for my first vacation in four years I find myself wishing I could forget the memory of Ontario.

My husband and I started out in what we thought was the right direction. Being of Negro descent we asked concerning our lodging in Canada but we were assured that we would have no problem.

Well we rushed home to pack and a few days later we were on our way.

Stopping for a night of rest we again enquired about lodging and although this agent had no literature on the spot she assured us once again that we would have no difficulty and that this was the ideal place for seeing the things we wished to see!

Thinking that we would buy our souvenirs and take most of our pictures there we didn't bother to stop but instead motored on to ———.

Here we were greeted and shown a cottage. We wearily but also happily, accepted. However as we returned to sign in at the desk a phone call came through telling the desk clerk to tell us we could not have the cottage because we were black!

★ ★ ★

CAN you imagine travelling 1,000 miles to be refused a place to sleep. Here we were at sundown in a land com-

**The proprietor of the resort in question sent a letter of apology to the writer of this letter, explaining that the regrettable incident was not due to the policy of the management but to the prejudice of an employee who had since been dismissed from service.*

Unfortunately the experience inflicted such a deep hurt on the visitors that neither the explanation nor the apology were acceptable.

The Commission is still hopeful that the members of this family will pay a return visit at an early date and satisfy themselves that the prejudice they encountered was untypical of Ontario.

Meantime we are confident that the publication of their moving letter will make tourist resort operators, and our citizens generally, more mindful of their responsibility and more anxious than ever to practice the spirit and letter of Ontario's Human Rights Code. —Ed.

pletely foreign to us with two tired, hungry children, ages 2 years and 6 years. My husband was exhausted from driving all day but we knew of nothing else to do but try to reach an area where Negroes would be accepted.

By this time we were completely deflated! We were afraid to ask for a motel which would accept us because the people looked at us as though we were freaks.

Our stomachs insisted that we eat, but the food could not be enjoyed in this now strange land.

A streak of luck was with us because an extra weekend ferry arrived and dirty and tired we boarded, expecting at anytime to be told that black people could not ride this ferry. We had asked at the dock for a state room and he had stalled us and once we were on board we asked again. We were told to wait! We waited for an hour and the person did not return. Exasperated by now my husband took off in pursuit and shortly thereafter we were in bed for a two-hour rest. One-thirty a.m. I wearily woke my family and to the insistent knock on our stateroom door we tried to hurry. Once again we got into our car and drove like fugitives, forgetting for the moment that behind us and around us lay the places of interest, our souvenirs, our pictures, our vacation!

ON and on we drove until exhausted my husband pulled to the side of the road at ———. We slept again waking occasionally to our children's cries for water and their bed! At dawn we started again but after an hour's attempt we pulled aside again. My husband could drive no longer. This time I took the wheel in an attempt to get as near as we could to an area that would recognize black people as human beings. Sunday morning at 10.15 a.m. we finally drove up to the information station in Niagara, Ontario. We attempted to enjoy the Falls but our spirit was gone and the children could not understand why we were not fishing and hiking.

We are home now and my letter is ended, but the disappointment and embarrassment lingers on. I will always hear my husband's voice saying "I travelled 1,000 miles to be refused room in the inn."

Sincerely yours,

U.S.A.

MRS. N. S.

Justice, Amity, Understanding Is Council Aim

THERE are many organizations that work in the field of human rights in Ontario. It is our hope that they will from time to time avail themselves of space in our Bulletin, to keep the people informed of the progress of their work.

Mr. Dennis S. Flack, Executive Director of the Ontario Region of the Council of Christians and Jews, has given us the following statement of its aims and purposes:

"... to promote justice, amity, understanding, and co-operation among Protestants, Catholics and Jews, and to analyze, moderate and finally eliminate intergroup prejudices which disfigure and distort religious, business, social and political relations, with a view to the establishment of a social order in which the religious ideals of brotherhood and justice shall become the standards of human relations..."

Founded in 1947 by leading Canadian educators, clergymen and businessmen, the C. C. C. J. is guided by four co-chairmen (Mr. John D. Hayes, the Hon. Gaspard Fauteux, Mr. Rhys M. Sale, Mr. O. B. Roger) and a board of directors of 100 prominent businessmen, educators, political leaders and jurists. The National Director is Rev. Richard D. Jones. It is financed by membership dues and special gifts from business corporations.

★ ★ ★

THE C. C. C. J. is not an inter-faith movement. It recognizes that there are important religious differences and it in no way seeks to reduce religion to the lowest common denominator. Nor is it a political action group in the conventional sense.

Best known of the Council's programs is Brotherhood Week which is sponsored annually throughout Canada during the third week of February. Brotherhood Week is also celebrated annually in the United States, United Kingdom and many other countries.

Another of the Council's projects is the annual student exchange program in July of each year which arranges for exchange visits between English-speaking high-school students from Ontario, and French-speaking high-school students from Quebec.

WE INVITE YOU

Would you like to have your name added to the permanent mailing list of the Commission and receive a copy of Human Relations regularly? If so please sign and return the post card made available for that purpose.

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

May-June, 1961

7

No. 3



When Premier Frost and former Premier Nixon paid tribute to the Indian Poetess Pauline Johnson, a keenly interested listener was 13 year-old Page Boy Daniel Johnson, shown above with Speaker of the Legislature, Hon. William Murdoch. Born in the Tyendinaga Indian lands at Deseronto "Danny" like Miss Johnson, is a member of the great Mohawk family

ONTARIO LEGISLATURE PAYS TRIBUTE TO MEMORY OF PAULINE JOHNSON

THE ONTARIO Legislature on March 10th heard warm tributes to the life and work of Pauline Johnson, the centennial of whose birth is being commemorated throughout the nation.

Referring to the outstanding quality of her life and work, Premier Frost said that the homage now being paid to this great daughter of Ontario "marks a further stage in the growth of a feeling of national identity and pride on the part of the people of our country, the development of which was one of the main objectives of Miss Johnson's work."

"Miss Johnson knew and loved this nation and the beauties of its countryside, but above all she understood its people. She never forgot her proud Indian heritage. While she wrote of her people and their glories, she did not attempt to conceal their plight in a society which exploited them and which in the language of to-day, treated them as second-class citizens. In almost everything she wrote she sought to foster in the minds of all Canadians a greater understanding and respect for the original citizens of our country. There is no doubt that her

tireless work helped to improve their position.

"To-day", said the Premier, "Indian citizens still suffer from the injustices of the past. But great changes in outlook are taking place and our Indian brothers and sisters are now being accorded that full status which is theirs by right."

"The change has come slowly, but surely the important thing is that it has taken place. The influence of Pauline Johnson has played a large part in bringing about that change in thinking which causes us now to assess what we have done in the past with a great deal of regret."

★ ★ ★
FORMER Premier Harry Nixon who, like Mr. Frost, is an honorary Chief of the Mohawk tribe and who for over

*'They but forgot we Indians owned the land
From ocean unto ocean: that they stand
Upon the soil that centuries ago
Was our sole kingdom and our right alone'*
—Pauline Johnson

40 years has represented in the Ontario Legislature the constituency in which Miss Johnson was born, spoke of her rich contribution to Canadian life and letters. "Her poetry" he said "had given pleasure to millions far beyond the boundaries of her own country. She left behind her a record of the history, lore and legend of her people which will never die and which without her passionate devotion to them would not have been preserved."

Mr. Nixon said he was distressed by the fact that education on Brant County Indian lands was still under the jurisdiction of the Federal Department of Indian Affairs. "It seems to me to be not only absurd but a senseless duplication of effort to have one great Department of Education looking after the requirements of 1.4 million of our Ontario children and have a duplicate set up at the Federal level to educate our Indian fellow citizens.

"It might not be proper and legal under the constitution", said Mr. Nixon, "for the Department of Indian Affairs to turn over monies to the Government of Ontario for educational purposes. But I see no reason why they cannot turn the money over to a Board of Education set up by the Indians themselves, to be spent by them under the Ontario educational system."

Premier Frost agreeing with the criticism said he was fully prepared to join Mr. Nixon in a discussion with the Indian Chiefs and the Ottawa authorities in the hope of working out a mutually acceptable solution of the problem.

"In many parts of the province, our Indian children have already been integrated in our school system. That is so in Orillia, in Sarnia in the Kenora area, and other places. I rather agree that that might not be the solution in a big community of some 7,000 people, where they have their own Domain, and I think perhaps it might be approached in a different way."

An Editorial

"... IN YOUR HANDS!"

BY AN ACT of the Legislature, the Anti-Discrimination Commission has now become THE ONTARIO HUMAN RIGHTS COMMISSION. The change, we are sure, will be welcomed as an important step toward a more positive approach to the question of human rights.

There has been a widely held view that the former name had a certain negative aspect which may have militated against the effectiveness of the Commission's work in the fields of education and enlightenment.

However that may be, it is our intention to greatly increase the volume and tempo of our work in those areas in the period ahead, with the aim of achieving total acceptance and practice of our Human Rights Code.

This, of course, can only be done with the full co-operation of all community organizations and of the people generally. During the past year we have been gratified and encouraged by the growing support for the work of our Commission. Thousands of individuals from all walks of life have sent us expressions of approval and of willingness to assist our efforts. Scores of Municipal Councils and a wide range of Community organizations have likewise endorsed the Commission's program. The churches and clergy, of all denominations, have been particularly helpful in making the aims of the Ontario Human Rights Code better known and understood by our people. Our efforts have also been greatly strengthened by the excellent work and constant vigilance of the trade unions and their Human Rights Committees and by the whole-hearted co-operation of the Ontario tourist industry.

★ ★ ★

IT is our earnest hope that all organizations throughout the Province will now give more serious consideration to the larger part they can play, in eliminating racial and religious discrimination in all its forms and in narrowing down the area of prejudice from whence that discrimination springs.

We should be glad to see all Community organizations follow the example of the trade unions and set up their own Human Rights Committees, whose task it would be to co-operate with our Commission and to keep their own members fully informed on all significant developments in this important field.

We think it would be helpful if these local committees could find ways to unite their efforts, perhaps once a year, in a community wide conference or seminar on Human Rights. The Commission will always be glad to lend what assistance it can in the organization of such events.

It has often been said, and rightly, that Ontario's human rights laws are an expression of the conscience of our people. For that very reason, the people, at the community level, must actively involve themselves in the processes of education and enlightenment which are so vitally necessary if the aims of our Human Rights Code are to be realized.

★ ★ ★

IT is generally recognized that prejudice, in all its many forms, is by no means the monopoly of any one group. Indeed we doubt if any group or any community can honestly claim to be completely free from the virus.

Only recently, several Ontario communities have witnessed manifestations of anti-semitism which must have come as a severe shock to their citizens. When such things occur, it is not the victims of the attack who should be most indignant, but the citizens as a whole, whose principles of justice and equality have been insulted.

The Legislature of Ontario, has in recent years passed a number of laws to deal with those who do violence to the rights of their fellow citizens. These laws are being, and will continue to be enforced. They have in a real sense become the partners of sense and decency. But

HUMAN RELATIONS

Vol. 1 - May-June, 1961 - No. 3

Published by the Ontario
Human Rights Commission
Department of Labour

8 York Street, Toronto

Honourable CHARLES DALEY,
Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary

Joyce Applebaum,

Gordon Greenaway,

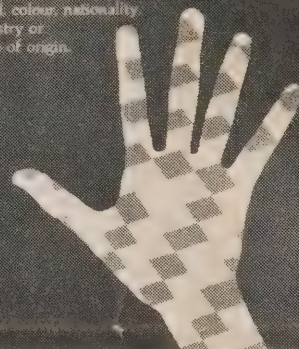
J. F. Nutland, Members.

Address all correspondence to:

Thomas M. Eberlee,
Room 262, Parliament Buildings,
Toronto.

HUMAN RIGHTS are in your HANDS

It is public policy in Ontario that every person is free and equal in dignity and rights. The law therefore prohibits discrimination in employment and public accommodation on grounds of race, creed, colour, nationality, ancestry or place of origin.



Copies of the above prize winning poster by Gordon Stromberg are available for display in Church, Trade Union, Veteran and other Community Halls.

in the long run, as Premier Frost has wisely pointed out:

"It is not just tough laws that make men and women do the right, but obedience to the law, which comes not from fear of sanctions, but rather from a desire to respect the dignity and rights of their fellow citizens, regardless of race, creed or colour. Racial and religious discrimination is nothing short of ignorance in action and must be abhorred by all intelligent men and women."

★ ★ ★

THE aim of Ontario's Human Rights Code in the words of Labour Minister Daley, is "to create at the community level, a climate of understanding and mutual respect, in which all our people of whatever racial, religious or cultural background — new Canadian no less than native born — will be made to feel that all are equal in dignity and rights, that each is a part of the whole Canadian community, and that each has a right contribution to make to the development and well-being of our province and nation." Few will disagree that this is prerequisite for the development of truly healthy Canadianism.

In short, we must view the fight against racial and religious prejudice as for the rights and dignity of the individual, as nothing less than a concerted effort to strengthen the fabric of our national life. It is an effort from which no section of the community should abstain. That is the real meaning of the words "Human Rights are in your Hands".

by LOUIS FINE*

'DON'T TAKE IT FOR GRANTED THAT PEOPLE KNOW THE LAW"

THERE are hundreds of laws on the statute books of Ontario. They make up a tremendous family of legislative enactments. I have always felt, however, that both the Government and the Legislature view the Ontario Human Rights Code in a special light and with a degree of interest not accorded to most other statutes. This legislation, it seems to me, is regarded as a favorite son by the law-



makers of Ontario. In many ways this province has blazed the trail for this type of legislation in Canada.

I have found however, from many years in Government service that legislation does not remain static. It is dynamic, constantly on the move, in response to changing conditions and changing attitudes. Thus, this year, the Legislature saw fit to extend the coverage of The Fair Accommodation Practices Act into the realm of multiple housing accommodation and to change the name of our Commission.

I have no doubt that as time goes on, and as new needs become apparent, our Human Rights Code will continue to keep pace with the requirements of the people of Ontario. I believe that the Government and the Legislature will go on taking every step possible to see that discrimination is eliminated from our Province.

Of course, the mere existence of legislation is far from being the total answer to any problem. In baseball, hockey or football, breaches of the rules take place despite the existence of rule books. If it were not for umpires and referees, mayhem would result. The officers of the Department of Labour, who are administering Ontario's fair practices laws and the members of the Human Rights Commission are, in a sense, umpires or referees in the delicate field of human relations, using the rules set forth in the Human Rights Code and endeavouring to prevent discrimination.

★ ★ ★

WE who are involved in this field are completely sold on the value and the necessity of the legislation. We would be pretty poor souls, of course, if we did a job without believing in it. And a Commission that was composed of people who did not personally abhor the idea of discrimination would be a

failure before it even started.

We look upon our responsibility in this field as a sacred trust. We recognize the power which prejudice holds, to a greater or a lesser degree, over all of us. Prejudice, the attitude of mind which gives rise to acts of discrimination, is rooted very deeply in human personality. It is based on lack of sensitivity, on misunderstanding, on ignorance, on wrong-headedness. At worst, it is the failure to recognize a fellow human being as a human being. Prejudice cannot be dug out and eliminated by the passage of a statute, but its outward manifestations can be curbed. Artificial barriers denying equality of opportunity to our fellow human beings can be breached and torn down. Nevertheless, great care must be exercised in the way in which the problem is approached. In combatting discrimination, we must be careful not to generate feelings of prejudice or discrimination which would defeat our efforts. We have to be conscientious and understanding in our approach to the people.

★ ★ ★

WHAT is the size and nature of the problem in Ontario? There is no doubt that prejudice exists in many minds in this province and that it sometimes gives rise to acts of discrimination against individuals or particular races or creeds. We receive complaints each year under both the Fair Employment Practices Act and the Fair Accommodation Practices Act. Our experience is that virtually all of the complaints under the FEP Act come from the major urban centres where relationships are generally on a much more impersonal basis. There is no clear pattern in these complaints. They arise in isolated cases and are not concentrated in any particular industry or group of industries. In the accommodation field the picture is somewhat different.

We are most encouraged by the steps which the leaders of the resort industry are taking to promote a broader acceptance and practice of the law among their own membership. Over the past few years, several cases of discrimination in the rental of apartment units have come to light. With the new legislation in this field, it is likely that there will be a number of complaints filed

OUR COMMON WELFARE

In our Confederation there will be Catholics and Protestants, English and French, Irish and Scotch, and each by his efforts and his success will add to the prosperity, the power and the glory of Confederation. We are of different races not for strife, but to work together for our own Common welfare.

— Georges - Etienne Cartier

with the Department in the early stages and will taper off as knowledge of the law becomes more widespread.

★ ★ ★

THERE is a great deal of evidence that the situation in the realms of employment and accommodation has improved very considerably over the past few years.

Generally speaking, however, there is too little information about the scope of the discrimination problem in Ontario. This has sometimes made it difficult for the Commission to plan its programme. Fortunately, however, the School of Social Work at the University of Toronto has undertaken, under the very capable direction of Dr. Albert Rose, a study of the situation in the employment field. It is our pleasure to be able to assist Dr. Rose and his students in the project. This kind of study is something new in Canada and we hope that it will yield information which will not only be useful to those engaged in social work but will also help us to give a better aim to our own activities.

Perhaps the most important piece of legislation in the whole Human Rights Code is the Act which established this Commission and gave it the task of conducting an educational programme. This is a recognition of the fact that enlightenment is one of the principal keys to a solution of the problem of discrimination.

The primary objective of our educational work has been to make the existence and the substance of the Human Rights Code as widely known as possible across this Province. Discrimination is a very different field from that covered by most other prohibitory statutes. We therefore cannot take it for granted that people know the law and will either obey it or be prosecuted for violating it. We don't want to prosecute. We want to prevent discrimination before it takes place. Prevention, rather than detection, is our basic orientation. Thus, we feel that the old rule about ignorance of the law being no excuse cannot be employed too strictly in this context and that our objective must be to make sure that such ignorance is kept to a minimum.

* Partial text of an address delivered by the Commission Chairman to the Institute of Ethics, Beth Tzedec Congregation, March 29, 1961.

By THOMAS M. EBERLEE*

LEGAL SANCTIONS ARE NOT ENOUGH IN COMBATTING DISCRIMINATION

IN CANADA today, the principle that every person must be free and equal in dignity and rights regardless of race, colour or creed, is widely accepted and practiced. But such has not always been the case. Indeed, the pages of our history are all too frequently besmirched by a sad record of conflicts and acts of injustice with a racial or a religious basis.



Canada's history began in an atmosphere of strife between different racial and religious backgrounds. Very early in our development, we relegated the Indian to the limbo of our national life. When desperate people escaped the inequality of their homelands and came to this great half-continent, they discovered too often that the New World was new only in the geographical sense. Racial and religious feuds of other lands had been merely transferred to a new locale and they found expression in exclusiveness, in discrimination and even in open conflict. They were reflected in barriers to employment, in signs that read, "No Irishmen need apply", or "No Englishmen need apply", in facilities that were for "Gentiles Only", and so forth.

Fortunately for Canada, as the ink has dried on pages of injustice, new chapters reflecting the conscience and the practical good sense of our people have been written. Canadians have gradually subordinated their differences in a common striving toward the construction of a great nation. Our history is studded with evidence of a growth of mutual understanding, co-operation and good will between men and women of every race, colour and creed and of the remarkable achievements which the operation of this policy of mutuality has wrought for our nation.

ONTARIO'S Human Rights Code not only stems from these developments but it is also calculated to strengthen this mutuality by guaranteeing to every person certain basic rights, regardless of race, colour or creed.

In 1944, we were fighting to preserve Canada's freedom. There was at that time realization that discrimination and inequality within our own borders were

just as serious threats to that freedom as the might of the enemy. It was in this context that the Ontario Legislature enacted its first human rights statute — The Racial Discrimination Act, which prohibited the publishing or displaying of any notice, sign, symbol or other representation expressing racial or religious discrimination.

★ ★ ★

THE year 1950 saw the passage of two new anti-discrimination laws, a section of The Labour Relations Act which nullifies any collective agreement that discriminates against any person on racial or religious grounds, and a section of The Conveyancing and Law of Property Act which renders null and void any discriminatory covenant in the sale of land.

A year later, Ontario became the first Canadian jurisdiction to enact a Fair Employment Practices Act. I remember being surprised at the legislation and very much impressed with its spirit. I didn't know that similar legislation had been enacted two or three years earlier in New York State and had been proven effective in opening the doors of employment to minority groups. My reaction was that the bill was fine but it probably wouldn't work.

But, with The Fair Employment Practices Act, it became apparent that the law was completely in line with the thinking of the vast majority of the population and that the people of Ontario were going to make it work. The provisions of the Act itself, with its emphasis upon conciliation and persuasion in the settlement of cases, have served both to make it effective and to win for it wide public acceptance.

The law provides sanctions against discrimination not only in the initial selection of an employee, but also in the treatment of an employee on the job, including dismissal. The Act also makes it unlawful for a trade union to exclude from membership or expel or suspend any person because of race, creed, colour etc. It prohibits the use of job application forms or the publication of any employment advertisement or the making of any written or oral inquiry which expresses any limitation, specification or preference as to the race, creed or colour of any person.

The Department of Labour receives an average of 20 to 25 complaints a year under the Act. Many of them allege discrimination in connection with a refusal of employment. A large number of them deal with questions on application forms — such needless queries as religion, place of birth and so on. There has been only one complaint against a trade union in the past decade and that involved a proposed change in the constitution of a particular union requiring its members to be Canadian citizens. Of course the labour movement has, for many years, been one of the strongest proponents of anti-discrimination legislation and its excellent standing, as far as our own complaint records are concerned, is a reflection of this attitude and of the strong educational work of the Ontario Labour Committee for Human Rights.

What happens when a complaint is received by the Department of Labour? A conciliation officer is appointed immediately to look into the case. He talks to the complainant and obtains his statement of the facts. He then discusses the matter with the party against whom the complaint has been lodged. If necessary, he calls both parties in for a face-to-face session on the complaint. In every case handled in the past decade, the mediation afforded by these steps has sufficed to bring about a settlement of the difficulty.

★ ★ ★

SHOULD a conciliation officer be unable to bring the parties into a position of understanding and agreement, The Fair Employment Practices Act provides further settlement procedures but, it has never been necessary to use them. As a next step, the Minister of Labour has the power to appoint a board, similar in function to a conciliation board in a labour dispute, which would hear evidence from all the parties involved and make recommendations for settling the matter. The Minister has the power to make whatever order he deems necessary so as to carry out the recommendations of the board. And the order is final and binding. Finally the Act provides penalties by way of summary conviction for any person who fails to comply with the Act or with any order made under the Act. It has, of course, never been necessary to prosecute.

Over the years, legislative sanctions and educational programs have been employed by themselves in efforts to promote the kind of society in which respect for human dignity and a belief in equality of opportunity hold sway. Experience suggests that a complete reliance on legal sanctions or, alternatively, educational efforts, does not produce the optimum results. For that reason, we believe that law and enlightenment must be employed together. The one backs up and strengthens the other.

*) Partial text of an address delivered by the Commission Secretary to the Institute of Ethics, Beth Tzedec Congregation, March 29, 1961.

HERBERT H. LANK*

Discrimination Is A Form Of "Social Bullying" And Not Always Based On Ignorance

SOCIOLOGISTS have said that "discrimination is prejudice acted out". When you have prejudice actively expressed and applied, then you have discrimination. It expresses itself in the unjust barring of certain persons from jobs, from advancement in jobs, from certain residential areas, educational and cultural opportunities and the like. Such discrimination is a form of social "bullying" which transposes a sense of insecurity, injustice or other forms of frustration and directs them against another group less able to defend itself.



Discrimination is generally overt and so can be legislated against. Prejudice, by contrast, cannot be legislated against. It is more subtle, often even subconscious and to combat it we must cleanse our own minds. It is the more dangerous, more destructive and certainly the more common of the two. A prejudiced person is fundamentally an irrational and unintelligent person, a person who refuses to consider all the facts before he forms an opinion.

That kind of distorted judgment is not inborn in human nature. It develops out of personal and informal contacts within the family, the school, the community. People who are constantly exposed to prejudices in their surroundings, tend to absorb and accept them as their own, often unthinkingly.

THE causes of prejudice are based chiefly on a false belief in the inferiority of certain groups on racial, physical, intellectual, cultural or religious grounds. Fear may enter into it. Some believe that prejudice is based entirely upon ignorance, but this is not necessarily so. Knowledge is useful, but the college graduate and the graduate of the school of hard knocks may both be active bigots. Learning facts is not enough. To overcome the emotional basis of prejudice, practical experience with others of different ethnic, racial or religious groups, day-by-day, is also necessary. Activity in inter-group relations not only in the community, but also in the plant or office, could well be an effective means of demolishing the myth of the inherent superiority of one group over another.

We live in a world which has made great material advances, a world in which every point on the globe, and some even beyond the earth's atmosphere, are but a few hours away from

man. If we cannot pull down these barriers in a community, or in a business organization, we surely cannot achieve the universal brotherhood of man which is the challenge of our times.

S. Radhakrishnan, vice-president of In-

By ABRAHAM L. FEINBERG*

If We Want To Save Our Civilization We Should First Make It Civilized

THERE isn't anything a bigot won't believe — as long as it discredits and defames some groups he doesn't like. He holds that group responsible for every fault and disaster. Centuries ago, the Christians of Rome were thrown to the lions in the arena whenever the Tiber overflowed, or a drought withered the crops. In 1348, thousands of Jews were slaughtered in Europe because they were



blamed for the Black Plague which swept across the Continent with an iron broom of death and desolation. Just yesterday, it seems, the Puritans of New England drove out Roger Williams because his heresy endangered the state.

Today, people everywhere who started out with deep, intense loyalty to their own religion, and all the kindness and comfort it brought them, are being warped into sour, narrow-minded bigots. After being infected by their friends or parents (as children sometimes are, unfortunately), they in turn convey the sickness to others. Is a spiritual epidemic less harmful than a plague of the body? Can the individual or the social fabric thrive in an atmosphere of mutual hostility and suspicion? When the stream of hatred begins to flow from one person to the next, it overflows its original

*) Extracts from addresses delivered on the weekly radio program "Canada at Work", sponsored by the Federal Department of Labour, reprinted from the Labour Gazette. Mr. Lank is President of Du Pont Company of Canada Limited. Rabbi Feinberg is the spiritual leader of Toronto's Holy Blossom Synagogue.

PARTNERSHIP

"I want my country's independence to be reached through the normal and regular progress of all elements of its population toward the realization of a common aspiration. I have faith in the sound sense of the Canadian people and in the broad forces that make for national unity on a basis of fair and respecting partnership."

— Sir Wilfrid Laurier

dia, made a statement which we might all keep in mind: 'Human unity depends, not on past origins, but on future goals and directions — on what we are becoming and whither we are tending.'

channel and spreads its havoc far and wide. To-day it may engulf the Jew; yesterday it brought peril to the Catholics; the day before, its martyrs were the Quakers, Unitarians, Huguenots. This very moment, the fatal cycle may begin.

HATE NEVER RESTS! It is a dynamic, outmoving, explosive force. Was that not demonstrated by Nazi Germany? In preparing for war, the Germans became a morally diseased nation; their illness was anti-Semitism, whose seeds had been implanted on fertile ground by Nazi propaganda. Its first victims were the Jews, less than one per cent of the population. But during the War, Nazi Germany's hatred spilled over against the Poles, Greeks, French, British, Russians, Americans — against Catholic priests and Protestant ministers who opposed its will — against all mankind. That was bigoted hate gone berserk!

Think what man's intellect has achieved in our time! The vast outer world of ethereal space, stretching to infinity, and the mysterious force of the atom, so infinitesimal that the strongest microscope cannot view it — these are yoked together to our desires. But what of the world inside ourselves? What can we do with our hate and prejudice? Don't we have to admit: Science has advanced, morals lag behind — and

(Continued on Page 7)

∴ LETTERS ∴

Ontario Tourist Resort Operators Pledge Whole-hearted Co-operation

Not One Dissenter

We most heartily commend the program of the Ontario Human Rights Commission. For over thirty years, we have operated a small tourist business without benefit of any advertising except that of satisfied clients. Many of these clients — who are also our good friends — are Negro.

Anyone who objects to having any of these fine people in the same camp is free to go elsewhere — money refunded. As far as we know, no one has left because of our refusal to discriminate.

Although it is the Americans who are most apt to show dislike of their dark-skinned fellow citizens, they often become good friends. In fact, two American families — one white, one black — have reserved cottages for the same two weeks this year because they enjoy fishing together.

Marjory Scriver

Hastings, Ontario

★ ★ ★

Difficult to Understand

You may count upon my co-operation in the matter of racial discrimination.

I have been connected with the Boy Scouts Association for many years and after attending several International and World Jamborees, I find it difficult to understand why there is so much discrimination in the world today.

Until I received your letter I was actually unaware that your Commission existed. May I wish you and it all the success possible in a difficult job.

D. C. Ames

Fenelon Falls, Ont.

★ ★ ★

Heart-warming

Let me say that your letter will be displayed in a prominent location in our establishment. Both Mrs. Pace and myself concur in all that your organization stands for. In spite of what may take place in this troubled and hate-ridden world I hope we always shall.

It is heart-warming to know that one has public and official sanction for a stand which some times meets with disapproval from some quarters.

Kindest regards and every success,
George Pace

No Closed Policy

I wish to inform you that we have no closed policy in the operation of our establishment. Since taking over last October we have had the pleasure of catering to all races, creeds and colors. One of our most enjoyable evenings was when the Bradford Rotary Club, which meets here, and of which I am a member, entertained fifteen students from China, Africa, Pakistan and other countries.

For your information, we are Anglicans, members of the Legion, the Orange Lodge, the A.F.A.M. and the Eastern Star, as well as Rotarians. You cannot be good members of these organizations and show discrimination.

Betty & Reg Boden

Bradford, Ont.

★ ★ ★

Single Standard

As an ex-miner for the past thirty two years, I have met and worked with practically every nationality under the sun, and my treatment of him depends solely on what kind of a man he is, not what his color, religion or nationality may be.

Blind River, Ont.

A. McDonald

★ ★ ★

Disease of the Mind

Human Rights — these words should be studied hard and long by those who discriminate because of color, race, or creed.

Hate, I believe is taught in the home and carried on from generation to generation.

Those in business establishments who refuse to serve or accommodate human beings because of color should have their License suspended plus a heavy fine, and in that way we may be able to put a stop to this intolerable situation.

No one is ever turned away from my Motel regardless of where he comes from, what color he or she is, or what religion. We are all equal. I assure you my full support to stamp out what I call a disease of the mind.

Mrs. Alda Pempe

Richvale, Ont.

Guests Can Help

Of course, you may count on our co-operation in helping you to achieve the climate of understanding which you hope to create in Ontario.

We believe all your efforts should be concentrated in your education program because as your bulletin points out, legislation is just a beginning. We would like to think that our guests would also share the high ideals of your Commission and perhaps we have underestimated them — I sincerely hope we have — but anything you can do to assist us in this regard will be deeply appreciated.

We wish you every success.

Mary Elizabeth Aitken

Lake Rosseau,
Windermere, Ont.

★ ★ ★

Educate the Public

You have taken a step in the right direction in reminding us and others in the tourist resort business of our moral duty to all people.

We think now, the biggest task is to educate the travelling public that they too should accept the fact that people of various colours or creeds may be guests at any resort or hotel.

While we assure you of our sincere co-operation, it can be most difficult for us when our livelihood is reduced due to others' prejudices.

We realize this problem will take some time to resolve and wish your Commission every success.

Penetang, Ont.

H. O. Sutton

★ ★ ★

Conduct Is the Standard

I have read with much interest and understanding your bulletin enclosed with your letter of April 29th.

It has been our pleasure to have as our guests many races and the only restriction we place on our clientele is how they conduct themselves while with us.

On our register, which we have on file since starting in business twenty years ago, you will find Gentiles, Catholics and Jews, English, French, Italian, Japanese, Filipino, Hungarian, Polish and others. Some of these guests have been returning for many seasons.

We intend to continue this policy.

R. Linton

Bluewater Beach, Ont.

DEFINITION

"PREJUDICE IS IGNORANCE
HARDENED INTO A WAY OF
LIFE"

Our Thanks . . .

WE SHOULD like to take this opportunity to express our gratitude to hundreds of Tourist Resort operators, who in the midst of preparations for their summer season, took time to reply to our recent letter.

We had hoped to be able to acknowledge each one personally, until the volume became too heavy for our small staff to handle.

It is a source of great encouragement to our Commission to know that Ontario's Human Rights Code, will be faithfully applied in the accommodation practices of those who will play host to tens of thousands of travellers from near and far, in the coming months.

★ ★ ★

Mistaken Identity

FOLLOWING the publication of the letter from Mrs. N.S. in our March issue, we received a number of communications from different points in the province, conjecturing as to the area in which the alleged discrimination took place. We quite deliberately removed all references to names and places, believing that in the circumstances, no useful purpose would be served by such identification.

The Management of The Inn, at Little Current on Manitoulin Island, however, felt that some readers might assume that the incident took place in that area and that the "Inn" referred to in the heading was their own well known establishment of that name.

We desire to make it quite clear that such is most certainly not the case. In taking the heading directly from the text of the letter, we ourselves assumed that most readers would understand, as the writer no doubt intended, that it was simply an allusion, albeit an ironic one, to the story of the Nativity. We think most of our readers probably viewed it in that context.

We deeply regret any embarrassment which may have resulted from the misunderstanding. The Inn at Little Current, like the vast majority of Ontario tourist resorts, has in the words of its Management always followed a policy of "offering equal accommodation to all regardless of race, creed or colour", and bases its accommodation practices on the spirit and letter of the Ontario Human Rights Code.

T. M. E.

FOR YOUR INFORMATION

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

★ ★ ★

Publications available:

"SOCIAL JUSTICE IN ONTARIO"

An 8-page tract summarizing the Legislative Acts on which the Ontario Human Rights Code is based.

★ ★ ★

"JUSTICE SOCIALE EN ONTARIO"

A French edition of the above tract.

★ ★ ★

"JEW AND GENTILE" — An experiment in job hunting

a reprint of Pierre Berton's column in the Toronto Daily Star.

★ ★ ★

"HUMAN RIGHTS IN ONTARIO"

A four-page brochure explaining the background of our Human Rights Legislation.

★ ★ ★

"HUMAN RIGHTS ARE IN YOUR HANDS"

A prize-winning poster by Gordon Stromberg, suitable for display in community halls, industrial plants and store windows.

Address requests to:

Thomas M. Eberlee,
Ontario Human Rights Commission,
Room 262,
Parliament Buildings,
Toronto, Ontario.

Recommended Summer Reading

We are sure that our readers will appreciate receiving with this Bulletin, a list of books on human rights prepared by the Circulating Department of the Hamilton Public Library.

Most of these volumes will no doubt be available in your local Library.

We extend our sincere thanks to Dr. Freda F. Waldon, Chief Librarian, and her Assistant, Mrs. Isabell Skelly, for preparing the reading list and for the warm interest they have shown in the work of our Commission.

New Housing Law Effective May 29

THE Ontario Legislature, at its recent session, took another step in the direction of strengthening its fair accommodation practices legislation.

It prohibited discrimination in the renting of apartments in buildings containing more than six units.

This action was supported by 42 organizations from all parts of the province which joined in the presentation of a submission to the government earlier in the year.

The new law, which now becomes part of the Ontario Human Rights Code, goes into force on May 29, 1961. Its administration follows the pattern of the present Fair Accommodation Practices Act. Under its provisions, all complaints must be submitted on a special form provided by the Ontario Department of Labour, 8 York Street, Toronto, and should be directed to the Fair Accommodation Practices Officer at that address.

If We Want to Save Our Civilization

(Continued from Page 5)

within that empty space mankind will perish by its own hand, unless we bring our morals up to date and practise the brotherhood of real religion.

★ ★ ★

THE sands of time are running out. A race between conscience and catastrophe, with death holding the stopwatch—that's our situation today. If we human creatures don't learn to live together, and overcome the boundaries of creed, colour, nation, our own selfishness—we shall not be able to live at all. Before we begin to wonder about spacemen, we must dwell amicably with earth-men!

If we want to save our Western civilization, we must make it civilized!

W.E.B. DuBois, the Negro author, condensed the hunger of our time into a few lines:

*Herein lies the tragedy of the age!
Not that men are poor;
All men know something of poverty.
Not that men are wicked;
Who is good?
Not that men are ignorant;
What is truth?
Nay, but that men should know so
little of each other.*

By A. ALAN BOROVY

Some Peculiarities of the Canadian Bigot

BIGOTRY in this country is unique. Adolf Eichmann, Henrik Verwoerd and Orville Faubus have very few counterparts in this community. Periodically, a racist fanatic does breathe his social halitosis into the atmosphere. But, no one takes it very seriously.

The Canadian bigot is in a class of his own. He is distinctly not a hate-monger. On the contrary, he is normal and nice. Most of the time, he is a devoted apostle of Emily Post, well-mannered, well-bred, a gentleman.



The "gentleman bigot", as I like to call him, is a respectable employer who has nothing personal against Negroes or Jews. In fact, he likes Negroes and Jews. He simply cannot hire them, because his customers would complain.

★ ★ ★

THE "gentleman bigot" belongs neither to the Nazi Party nor the Ku Klux Klan. He is horrified at the thought of gassing Jews and lynching Negroes. His concern is simply *business*. On a balance of values, he would prefer to risk a little of someone else's dignity than a little of his own money.

Recently, for example, a Canadian Company advised a Negro applicant for a sales position that it would have to consult its customers before hiring him. Just last summer, a Bathurst Street apartment building turned away a Jewish couple who sought to rent an apartment there. The property manager contended that the rule was "Gentiles only". The fear was that any deviation from the rule would result in a loss of tenants.

The "gentleman bigot" is very often completely unaware of his prejudices. Last summer a resort proprietor explained that he selected a Gentile applicant for accommodation in preference to a Jewish applicant on the basis of a shortage of indoor conveniences. He reckoned that the prospect of an out-house would be more distasteful to a Jew than to a Gentile.

★ ★ ★

THE greatest fear of the "gentleman bigot" is publicity. He abhors a fuss. He is convinced that the slow process of education will ultimately solve all our inter-group problems. Let us not rush things. He pleads that we should refrain from rocking the communal boat lest he be drowned in a sea of unpleasant publicity.

Last spring, a Negro woman approached the Labour Committee for Human Rights with the complaint that she had been denied a Toronto apartment because of her colour. Upon satis-

There are many organizations at work in the field of human rights in Ontario. Among the most active is the Toronto and District Labour Committee for Human Rights, of which the author of this article, A. Alan Borovoy is Executive Secretary.

fying ourselves that the evidence substantiated the charge we went to a Toronto newspaper and reported the case. The reporter, in the course of his duties telephoned the rental agent for a comment. When the rental agent learned of the newspaper's interest, he stammered, "somebody made a mistake, there has been a terrible misunderstanding . . ." Later that day he rushed into the complainant's office and pleaded with her to take the apartment.

A short while later a Negro student complained to our Committee that he and his wife were refused the right to rent in a suburban Toronto apartment building. After having selected an apart-

ment and paid a deposit they received a written rejection of their offer and a return of the deposit money. The letter stated that they could not accept him "due to the peculiarities of the economic structure of the building".

This was also reported to the press. When the reporter called the president of the apartment house company he received a very familiar reply: "misunderstanding, confusion, mistake". On the spot the Co. president offered to reconsider the rental application. Not long afterward, he accepted the Negro student and his family as tenants in the building.

★ ★ ★

THESE policy changes resulted from the fear of publicity. To the "gentleman bigot" the prospect of a few Negroes, Jews, or Orientals is far preferable to the prospect of unfavourable publicity. The Pierre Berton columns on Anti-Semitsim in Ontario summer resorts led resort owners' associations to take positive action and correct abuses among their members. One "gentleman's agreement" after another has wilted under the spot-light of public opinion.

This is the key lesson for opponents of racial and religious discrimination. We must not allow the "gentleman bigot" the luxury of seclusion. Our most effective weapon is our willingness to speak up.

FILMS ON HUMAN RIGHTS

MANY organizations throughout the Province are finding that they can do an effective job in acquainting their members with the aims of Ontario's Human Rights Code by availing themselves of the excellent films produced by the National Film Board.

We heartily recommend those listed below to Churches, Trade Unions, Service Clubs and other Community organizations.

They may be obtained from your local Film Council or the regional office of the National Film Board.

★ ★ ★

THE NEWCOMERS - 27 minutes

All across Canada, at every level, national life is being enriched and strengthened by the new talents and skills, as diverse as the countries from which they come, which are being poured into their adopted land by immigrants from the British Isles and from Europe. This film travels to many places from coast to coast to present a visual inventory of the many ways in which Canada's present era of expansion is being helped by the newcomers who see fresh opportunities to develop existing resources — both economically and culturally — and who also come as purveyors of specialized knowledge from abroad.

BROTHERHOOD OF MAN - 10 minutes

An animated colour cartoon on a vital current issue. Shows that race differences are superficial, accidental, and environmental, and the differing skins of the races of mankind mean nothing — how, through the driftings of the first people of the Earth, there developed the three separate races of mankind. Points out that there are 4 different types of blood, but all are found in all races and, therefore, its differentiation has no racial relevance.

★ ★ ★

THE TOYMAKER - 20 minutes

The maker of puppets (using hands in the puppets) has the puppets play together happily until they discover differences in their appearance. These surface differences lead to conflict, until the two puppets realize what they have in common. The application of this simple principle to the problem of human relations is self-evident.

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

December, 1961


No. 4

Sources of Discrimination

By DR. ALBERT ROSE

Professor of Social Work, University of Toronto

STUDENTS in the social sciences in Canada have become increasingly concerned in recent years with the economic and social problems of employment and unemployment. It is now well-known that Canada has the slowest rate of economic growth and the most serious problem of unemployment among the western industrialized nations. In the face of a chronic unemployment problem approximating 6 percent of the labour force on the average throughout the year, a great many facets of the situation are attracting the attention of research-minded individuals and groups, both within and outside the universities.



In a graduate school of social work each student in his field work has many personal experiences with one or more of the most important social problems confronting our people. Unemployment is merely one of these. The economic and social adjustment of newcomers to Canada and the problems of minority groups generally, constitute equally important areas. It seems normal and inevitable that students and their professors would undertake to explore systematically some aspects of these major issues.

★ ★ ★
DURING the past year a group of students under the direction of the writer began an investigation of the problems which employers face in securing appropriate and adequate help at this time in our economic and social history. We were interested in the problems of the employers but as colleagues in a School of Social Work we were even more interested in the impact of employers' policies and practises upon those seeking employment. In writing to employers to request an interview we stressed that we were interested in the younger group entering the labour force, in the employment problems of newcomers to Canada, in minority groups and in the problems of older people. Employers were most generous in assisting us in our research and ultimately

more than 150 were interviewed, primarily in Metropolitan Toronto, but also

in Windsor, London, Hamilton and Burlington.

This study was undertaken with the knowledge of the Ontario Human Rights Commission, the Toronto Labour Committee for Human Rights and the Personnel Association of Toronto. None of these bodies was responsible for the research techniques employed, for the direction in which the research proceeded, or for the findings and conclusions. (Continued on Page 2)

Time For Self-Examination

THE anniversary of the signing of the Universal Declaration of Human Rights, which falls on December 10th, should among other things, be the occasion for individual and collective self-examination in order to make sure that we are applying its lofty ideals in our own community life.



Seventeen years ago the Ontario legislature gave unanimous assent to the Racial Discrimination Act and thereby established the principle that human rights are indivisible; that every person is free and equal in dignity and rights regardless of race, creed, colour, nationality, ancestry or place of origin.

Since then we have adopted several additional measures which now constitute our Ontario Human Rights Code. It has a two-fold aim:

1. To make secure in law the inalienable rights of every citizen.
2. To create a climate of understanding and mutual respect among our people so that all will be afforded the unhampered opportunity to contribute their maximum to the enrichment of the whole community.

Under the leadership of the Ontario Human Rights Commission and with the whole-hearted support of churches, schools, industry, trade unions, press and radio, and a wide variety of community organizations, great progress has been made in making the aims of the code better known and understood by our people.

While we can be proud of what we have accomplished there is no justification for resting on our laurels. There are still areas of prejudice in our community life which demand our concern, and it remains the task of individuals and organizations to strive for still higher levels of improvement in the field of human rights.

In the words of my distinguished predecessor, Mr. Frost, "We must never forget that our first obligation is to make certain that the principles of the Universal Declaration of Human Rights are practised here at home; our example will always carry greater conviction than our words."

JOHN P. ROBARTS,
Prime Minister of Ontario.

Sources of Discrimination

(Continued from Page 1)

sions of the research group. The employers were promised confidentiality with respect to their individual identities and points of view and this promise will be fulfilled. No employer or his representative will be cited by name or otherwise identified. The findings of the research will be presented in the form of a number of Master's theses filed with the University of Toronto's School of Social Work. These documents will not be available to the public or the casual reader, but it is anticipated that a summary of findings and conclusions will be presented by the writer in a forthcoming issue of *Human Relations*.

★ ★ ★

THE research began, as I have indicated, in a broad concern with the part played by employment policies and practises and the implications of such factors in the light of current economic and social conditions. As the study progressed, however, the students became more and more interested in the attitudes expressed by employers and their representatives towards various national or ethnic groups, religious or racial groups, and the implications of such attitudes for the employment of members of such diverse groups. This led the research group into an examination of the Fair Employment Practices Act (1951) of the Province of Ontario and the experience to date in the administration and enforcement of the legislation.

In the course of the interviews with employers the members of the research group requested and secured information, attitudes and opinions on a variety of subjects affecting employment opportunities. They did get a fairly clear picture of the hiring policies and practices, the techniques whereby employers recruit help and assess the qualities of job applicants. They did get a fairly clear picture of the qualifications sought in employees and the kinds of jobs for which these qualifications seemed appropriate to employers. They did get information concerning the composition of the work force of many firms and organizations with particular reference to minority groups of various kinds including the physically and emotionally handicapped, newcomers to Canada, and racial and religious groups.

★ ★ ★

AS the research progressed in the testing stage, some employers indicated their companies' experiences in meeting the stipulations of the Fair Employment Practices Act and its administration in the Province of Ontario. It seemed appropriate, therefore, to expand the questions in the interview to include

Ontario Hotels and Tourist Resorts Pledge Cooperation to Human Rights Commission

ONTARIO'S eight thousand hotels and tourists' resorts are cooperating with the Commission in acquainting the travelling public with the aims of the Ontario Human Rights Code.

In response to a suggestion from members of the Tourist industry a small poster was prepared for display at the reception desk. It bears the Ontario crest and carries the following statement from the Commission:

"It is public policy in Ontario that every person is free and equal in dignity and rights.

The laws of our province, therefore, prohibit discrimination in public accommodation and services, employment and multiple housing, on ground of race, creed, colour, nationality, ancestry, or place of origin.

This establishment bases its accommodation practices on the spirit and letter of the Ontario Human Rights Code.

attitudes towards various legislative provisions including the anti-discrimination legislation. We received, as a consequence, a frank appraisal of the legislation, its validity in the view of employers, its enforcement and its administration. This is not to suggest that every employer indicated knowledge of the Act and its provisions. Many did not.

It became clear that many factors were involved in employment practices with particular reference to members of various groups. The size and nature of the establishment, the "nearness" to or "farness" of the enterprise from the general public, the geographical location of the business, the presence or absence of employment policies, the amount of "leeway" allowed to the hiring agent — were among the important factors ex-

We call upon our own citizens and those whom we welcome as guests from other lands, to give the management their wholehearted cooperation in carrying out that policy."

The poster, accompanied by a personal letter from Commission Secretary Thomas Eberlee was sent to all resorts at the beginning of the tourist season and met with a warm response. A great many letters were received expressing satisfaction with this policy.

Some months ago the Commission approached the hotels of the Province with a similar request and here too the response was highly favorable. Over 100 hotels went beyond the request to have the statement placed at the reception desk and decided to post a copy in their rooms.

explored in the analysis of the research material.

A number of research reports are in process of preparation. The individual focus of his thesis is a matter for the individual student to decide. The various choices will be indicated by the following tentative sub-titles:

"Attitudes of Employers Toward the Employment of Jewish Persons."

"Attitudes of Employers Toward the Employment of New Canadians."

"Knowledge of and Attitudes Toward the Fair Employment Practices Act with Particular Reference to Size of Firm."

"Attitudes of Employers Toward the Employment of Negroes."

"Knowledge of and Attitudes Toward the Fair Employment Practices Act Expressed by Employers Charged Under the Act."

"Attitudes Toward the Employment of Members of Minority Groups with Particular Reference to the Employer's 'Nearness' and 'Farness' from the Public."

"A Comparison of the Practices of Employers Charged with Discrimination in Employment with Employers Matched as a Control Group."

As previously indicated, the major findings and implications of this series of reports will be the subject of a further article.

HUMAN RELATIONS

Vol. 1 - December, 1961 - No. 4

Published by the Ontario
Human Rights Commission
Department of Labour

8 York Street, Toronto

Hon. WILLIAM K. WARRENDER
Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary

Joyce Applebaum,

Gordon Greenaway,

J. F. Nutland, Members.

Address all correspondence to:

Thomas M. Eberlee,
Room 262, Parliament Buildings,
Toronto.

The Declaration of Human Rights

ON December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. The full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society,



keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave

trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

(Continued on Page 4)

THE DECLARATION OF HUMAN RIGHTS

(Continued from Page 3)

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by uni-



U THANT

Secretary-General of the United Nations

versal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

★ LETTERS ★

Fighting Ignorance Should Begin With The Very Young

pamphlet, Social Justice in Ontario, says of the method of applying Human Rights Code: "It recognizes that discrimination is usually on ignorance."

place to begin fighting ignorance the very young, and one place they are most easily reached is school. I have examined the text of my own children as high as six, and have discussed with them differences between men; but no have I found specific attempts to me the type of ignorance to which fer. There is teaching of toler- as a desirable characteristic; but is not, as far as I have been able n, clear-cut instruction which sets e evils of prejudice. Is the class- not a field which might be more developed "to further the aims of Human Rights Code?" Perhaps you ready actively at work in the s; if not, I suggest that work with blishers of school texts and with ng teachers in the normal schools warrant study. Fred Hamilton roke, Ont. *Pembroke Observer*

Origin of Prejudice

ur pamphlet "Human Rights are ur Hands" is a good informative historical background on the prob- and laws regarding prejudice. y own feeling is that along with information given something should id about the psychological approach he problem. How does prejudice lop, why does it show publicly ger at some times than at others, part parents play and so on. past years I have discussed many lled reasons for prejudice, that come n my class. Almost invariably they solved by "putting the class in the r persons shoes." think it might be pointed out that y times one's grievance with a per- may be justified but the grievance ld not be applied to an entire race religion to which the guilty party ngs. realize that this is a difficult prob- and it will take time to solve it, ever, I know that the work that you ur Commission are doing will rten the time considerably. Milton, Ont. *Steve Oneschuk*

EDITOR'S NOTE

Most of the letters which appear in these pages have come in response to a questionnaire sent out by the Commission earlier in the year. To date almost 600 replies have been received, together with many valuable suggestions for improving the work.

Among the questions asked were the following:

Is the Commission through its publications and other activities being helpful to you in your efforts to advance the cause of human rights in your community?

Do you feel that the material issued by the Commission i.e. the pamphlets and the bulletin "Human Relations" have the proper emphasis and do they focus attention on the main issues?

Do you react favorably to our suggestion that local organizations set up small Committees on Human Rights to co-operate with our Commission in its program of education and enlightenment?

Would you be willing to discuss informally with other individuals and groups in your community, the possibility of organizing a local conference or seminar on Human Rights sometime during the coming fall and winter months?

T. M. E.

"Rearing Children of Goodwill"

The work of the Commission is commendable indeed, and the publications which you so kindly circulate to our membership monthly, have an immeasurable effect on the promotion of better understanding of the problem, but I wonder if your circulation of these publications is wide enough to cover organizations, such as Home and School, Parent and Teachers' Associations, etc. I wonder what levels of the educational system are provided with these publications.

Material issued by the Commission is

A New-Canadian Viewpoint

My sincere thanks to you for the interest you have shown in "Human Rights." Your publications have been most helpful since they inform the public that under the law of the Province of Ontario we have equal rights regardless of race, creed or colour. As one who emigrated from Yugoslavia to Canada in 1935, as a young boy of 16 years of age, I would perhaps appreciate your good work more than native Canadians since I experienced discrimination until I mastered the English language. I am happy to say that discrimination is now almost gone and the native Canadians accept immigrants as equals. I feel proud to have been a member of the Harrow Town Council for the past 7 years, and only the very old people will at times call me "square head," but they will also call other native fellow-councillors some other names, and since I spend the taxpayers' money it is only natural to be on the receiving end of the critics.

Perhaps it would help if in your publications you would explain to natives not to be resentful of new Canadians in their criticism of the Governments. They are only using their newly acquired freedom of speech to the full extent and still love the newly adopted land that gives them that right. Harrow, Ont. *Sam Meleg*

well done and effective. However, you might consider issuing special material similar to "Rearing Children of Good Will" which was produced a couple of years ago by the University of Michigan, to emphasize the role to be played by parents in teaching Human Rights. There might also be something special prepared in co-operation with the Department of Education to get the message to our younger generation during the formative years.

We favour committees from local organizations to work in co-operation with the Commission in its program of Education and enlightenment.

Local conferences or seminars on Human Rights under the sponsorship of the Commission would be particularly fruitful, and we would be pleased to promote this program in any way possible. These programs in the past have been largely under the sponsorship of labour organizations and were not reaching the cross section of our communities.

G. F. McCurdy Secretary-Treasurer
ONTARIO PROVINCIAL COUNCIL
United Brotherhood of Carpenters
and Joiners of America

Educational Program Should Develop Right Attitudes Within People

I CONCUR wholeheartedly with the purpose and to date, the administration of the Human Rights Code of this province. I believe that the Commission through its publications and other activities is doing a great deal to encourage a proper respect for human rights.

Two thoughts I should like to bring to your attention. (1) While job opportunities, and all that can be protected by law, are properly cared for through the Human Rights Code, is there a possibility of the Commission carrying forward a program of education which will help to develop right attitudes within people? I realize that this is a far-reaching and long-term program, and yet it seems to me to be essential if the true greatness of our province is to be realized through all its citizens. (2) From time to time I am concerned about the position of our native Canadians, the Indians. While I realize the situation is not as bad in Ontario as it is in some other provinces, I still feel that we have not come to grips with the Indian Canadian so that he might develop into a full fledged citizen with all the rights, privileges and responsibilities of other citizens. Again may I say I appreciate the difficulties involved in this subject, but feel that an educational program through your department will undoubtedly help the cause.

I hope you do not mind my mentioning these factors as I do wish you every success and blessing in your work and sincerely feel that to date a good job has been done.

Toronto, Ont. A. Gordon Baker
Editor and General Manager
The Canadian Churchman



I am a Negro and I am writing to let you know that my wife and I with nine children spent the most wonderful and happiest time of our life on a week's vacation at Mr. Burnard B. Burtch's cottages at Elgin R.R.3, Ont. Pittsburgh, Pa., U.S.A.
Forrest Leach

"More Sparkle"

I think your pamphlets would be more effective in preaching to the unconverted if they had a little more sparkle — possible showing how ridiculous prejudice is. None of us likes to be, or appear, ridiculous.

Rev. C. C. Ryan, S.J.
The Canadian Messenger

Toronto 5, Ont.

Neighbor's Impress

While spending my first vacation in your lovely province, I spent a night in a motel in the Muskoka area. Visiting the guest book, my attention was drawn to a printed notice about the Human Rights Code and its significance. It stated that "all persons are free and equal in dignity and rights, regardless of race, creed or colour."

Our own Constitution is based on the same principle too, but unhappily there is often a wide gap between principle and practice. It did my heart good to find that your Tourist resorts so proudly proclaim that their accommodation policies "are based upon the spirit and letter of the Ontario Human Rights Act."

Would you be kind enough to send me a copy of the statement so that I can show it to my friends.

Washington, D.C.

J. R.

★ ★ ★

Clergyman Has One Reservation On The Human Rights Code

I ACCEPT the statement, "An individual's creed must not be a determining factor in hiring," *only with reservations*. If I were an employer, I would infinitely prefer to engage some one who professed a religious creed, than one who professed none. I would also prefer a man who believed in democracy to a professed Communist. Since a man's creed (what he really believes) determines what he is and to a large extent, also determines his desirability as an employee, employers should not be penalized for preferring one type of employee to another.

I am troubled by the case of the two janitors who were dismissed by the Etobicoke School Board because their conscience forbade their joining a Union, or paying Union dues. We give deference to the Rand formula as tho' it were a deliverance of the Almighty. If a man may not be "fired" because of his Creed, as the Fair Employment Practices Act provides, what about these two men? Will the Human Rights Commission investigate this case?

I know the familiar argument. These men benefit from the Union's activities. Ergo, they should belong, or at least be required to pay dues. What, then, becomes of our respect for individual conscience and creed?

Perhaps these janitors might be called "chizzlers" for enjoying the benefits

secured by a Union, and then refuse to support it. But isn't that a situation that obtains all across the board? Every member of every Union, including Janitors, benefits from the presence and influence of the church in the community. What a howl there would be if it were suggested that every union member should be required to belong to and support financially, the church. Similarly, every citizen benefits from the act represented in the United Appeal. Not many would advocate that everyone should be required to contribute. The church would destroy its voluntary character. Union membership should likewise be voluntary, and should not violate the principle of science.

Rev. Allen R. H.

Kingsway Lambton United Church

85 The Kingsway, Toronto 18

Much Publicity Increases Discrimination"

CIATE your pamphlet which I read very carefully. Your "annuaire" brought out many angles to a matter about which I hesitated in expressing opinions.

Over the many years systems of discrimination have been that, with every piece of legislation and with every move to legally eliminate discrimination there has been a corresponding increase in the need for integration.

I believe there should be written laws of any country, "equal rights" and special privileges to all. The less publicity and enforcement we execute, the better for the people. The sooner prejudice and discrimination will be eradicated. If the people could only be convinced that discrimination would be best, discrimination would disappear.

I will reply to your question-

mainly I concur with the statements of Premier Frost and Labour Minister Mr. Daley on the aims and objectives for Human Rights.

The Commission through its publication is not helpful to me. Is it helpful to any person else? Does it advance the cause of human rights by drawing my attention or any person else's to the fact that there is legislation to be upon me or any person else's thereby love.

I have no suggestions for improvements except "leave sleeping dogs alone." Why should pamphlets and booklets be published to focus attention on the law that we should "love thy brother as thyself." We do not try to enforce morality by law so why should we "scare" the countryside with statistics regarding human rights? Sufficient it is that it is on the Statute Books.

I certainly do not react favourably to the formation of local organizations and numerous small committees who can only fan personal dislikes and animosities into open dislike and often legal defiance of the courts. I suggest we have the program of education and enlightenment to the schools and churches, and to social, business, fraternal and service clubs.

I certainly will not discuss informally or otherwise with individuals or groups in any community and that is more, I will strongly oppose any person coming into the communities with which I have been associated, to fan any fires

of dislike or hatred into some revolting situation for publication.

6. I certainly have other ideas of what might be developed by the commission to further the aim of human rights and the most timely and important thing to do would be to have absolutely no public activity but to let it be widely known that there is in Ontario a Human Rights Commission who are willing and prepared to hear any person who has a case of injustice.

The foregoing may have little effect as your Organization appears fairly strong in personnel and fairly determined in objectives and I can see an amazing amount of "Press Fodder" in the future if you swing into action and get groups setting up animosity in every little hamlet.

Toronto, Ont.

C. R. Purcell

"Change of Heart"

I greatly appreciate all that our Government is doing in order to strengthen the bonds of friendship amongst all our people and thereby to foment kindness and understanding rather than suspicion and fear. It is an astounding task, especially when there are a great number of languages and customs to be welded together.

The problem of interpreting people to people and helping folk to make true communication with one another is always a challenging opportunity and I feel that your pamphlet assists in laying a foundation for discussion and development. All of this is excellent and the task must move on from there to the "change of heart" and the willingness to "about face" and instead of criticizing and despising others, be willing to share our love and fellowship. The "Will" is the thing, for when enough people "Will" to do this thing you suggest, then we shall truly see it appearing amongst us. It is not necessary, I am sure, to remind you that people cannot be cajoled or argued into this "Human Rights" point of view. Nor can they be legislated into being tolerant of "race, creed, colour, nationality, ancestry or place of origin", there must be the earnest effort not only by teachers and preachers but also by parents in the homes.

If the church is the only, or rather one of the ways in which the dissemination

FOR YOUR INFORMATION

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

★ ★ ★

PUBLICATIONS AVAILABLE:

"HUMAN RIGHTS ARE IN YOUR HANDS"

A 16-page pamphlet giving the background of the Ontario Human Rights Code.

★ ★ ★

"LES DROITS DE L'HOMME SONT ENTRE VOS MAINS"

A French edition of the above pamphlet.

★ ★ ★

"SOCIAL JUSTICE IN ONTARIO"

An 8-page tract summarizing the Legislative Acts on which the Ontario Human Rights Code is based.

★ ★ ★

"JUSTICE SOCIALE EN ONTARIO"

A French edition of the above tract.

★ ★ ★

"HUMAN RIGHTS ARE IN YOUR HANDS"

A prize-winning poster by George Burry suitable for display in community halls, industrial plants and store windows.

Address requests to:

Thomas M. Eberlee,
Ontario Human Rights Commission,
Room 262,
Parliament Buildings,
Toronto, Ontario.

of this Commission's work is being done, (I fully realize the vast amount of publicity that you have given it in the Press and in articles etc.) then I am concerned as to whether we of the church are "getting our homework done". I plan to preach two sermons in the New Year on each of the themes: "Social Justice", "Human Rights" and distribute these pamphlets. But is this enough?

Rev. John W. A. Stinson,

Knox United Church

Agincourt, Ont.

HUMAN RIGHTS FILMS**"EVERYBODY'S PREJUDICED"**

16MM — 22 MINUTES

THERE is prejudice and prejudice — which kind you have depends on your respect for FACT.

This film was designed for discussion, to present on the screen a comparison between the kind of prejudices we all employ and the unreasoning prejudices of the bigot.

The question of the differing kinds of prejudice is raised first in a conversation between two men sharing a park bench. One claims that without making judgements — deciding without knowing all the facts — life would come to a standstill. The other agrees but suggests that there is a point at which judgement has to stop. To show what he means he invites his friend to look in on the conversation and activities in five apartments.

In the first a husband prejudices an egg his wife proffers for his breakfast. "I won't eat it," he says, "because the last time I ate eggs they made me sick. All eggs being alike, this one will do the same." In this instance the more contentious of the two park-benchers admits the prejudgement has some basis in fact.

We then see a prejudice based on second-hand experience, but nonetheless worth respecting. (A wine drinker accepts his butler's preference for a wine, foregoing his own choice.)

In succeeding examples the amount of rational judgment lessens, until in the final example we discern the characteristics of the bigot — the man whose prejudice is divorced from reason, rising completely from emotional causes. His prejudice is against people who are new to him, people he rejects simply because they are different in superficial ways, like dress and accent, from people of his own group.

From the man who rejects eggs with some reason, to the man who hates new neighbours for no reason at all, this film offers you examples that everyone will recognize and wish to discuss. (Available at Metro Film Library, main reference library, College and St. George Sts., Toronto.)

★ ★ ★

PICTURE IN YOUR MIND — 16 minutes

Through the use of symbols, the film presents the earliest roots of prejudice and the reasons why any group, tribe or nation thinks its way of life is superior to the other man's mode of living. In the second half of the film, a forceful plea is made to every individual viewer to examine his own mind to see whether his mental picture of the other man is distorted.

CITIZEN VAREK — 12 minutes

A portrayal of the adjustment faced by the European immigrant to Canada, and of how he may come to terms with life in his adopted country. From the courtroom ceremony where a group of new Canadians are taking their oath of citizenship, the film flashes back five years to the time of their arrival. The story of their hopes, fears, disillusionments, and discouragements brings into focus a problem that applies anywhere, any time in Canada. Their gradual change in outlook is summed up by the judge who issues the citizenship certificates; the future takes on new meaning.

**New Poster on Display
In Post Office**

The Human Rights Commission received permission from the Post General to place its poster (reproduced below) in Ontario's 3,300 Post Offices. 300 of these will carry a French version.

Designed by the talented young Canadian artist, George Burry, the poster was first reproduced as the Commission's most recent publication of the same title, of which 40,000 copies have already been distributed by churches, schools, trade unions and community organizations throughout the province. Many cooperating groups are planning their distribution of the poster to coincide with the Anniversary of the Universal Declaration of Human Rights on December 10.

An earlier poster designed by George Stromberg has since been adopted by the Human Rights Commission of the State of Kentucky, U.S.A.



It is public policy in Ontario that every person is free and equal in dignity and rights.

The law therefore prohibits discrimination in employment, multiple housing and public accommodation on grounds of race, creed, colour, nationality, ancestry or place of origin.

PERIODICALS READING ROOM
(Humanities and Social Sciences)

Human Rights Laws Must Be Obeyed to Guarantee Equality of Opportunity

By DR. ALBERT ROSE

Professor of Social Work, University of Toronto

In an introductory article (*Human Relations*, December 1961) it was indicated that a group of graduate students at the University of Toronto had carried out interviews early in 1961, with more than 150 employers in Metro Toronto, Windsor, London, Hamilton and Burlington. Attention was directed particularly to the experience of these companies and organizations in meeting the stipulations of the Fair Employment Practices Act and its administration in the Province of Ontario. In the course of the study we derived a great deal of effective data, primarily the attitudes of our respondents towards the members of various minority groups and their potential for employment in various industries, their opportunities for promotion and advancement in our present economic situation.

It is not an exaggeration to suggest that the results were substantially, though by no means entirely, negative. There is no doubt that discrimination in employment continues to be practiced in Ontario on a substantial scale, but how great this is we do not know. How much improvement there has been since the passage of the Fair Employment Practices Act in 1951 we cannot measure for the simple reason that we have no clear data concerning the extent of discrimination in the early postwar years. No doubt there has been some improvement and some of our employers reported successful experience in the employment of Jews, Negroes and Orientals.

★ ★ ★ Ignorance of the Law

THE legislation governing fair employment practices in Ontario is apparently unknown among an important proportion of employers, if we are to believe our interviewees. We did not expect a clear and accurate recital of the specific provisions of the Act but many employers were so clearly deficient in their knowledge that we could conclude that they really did not know that the law existed which prohibited discrimination in employment on the grounds of

race, creed, colour, nationality, ancestry or place of origin. It is equally clear that those employers who do know about and understand the legislation, do not regard it as their responsibility to inform

their employees of their rights under this law. They regard this as the function of the unions or the various media of communication in society, particularly the newspapers. Very rarely did a member of the research team find displayed a poster issued by the Ontario Human Rights Commission.

From a research point of view we were interested in the differences, if any, in the viewpoints expressed by employers about whom a complaint had been filed under the Fair Employment Practices Act, and those expressed by employers who had not.

(Continued on Page 2)



Premier John Robarts (left) and Labour Minister William K. Warrender (right) greet Dr. Daniel G. Hill (centre) on the occasion of his appointment as the first Director of the Ontario Human Rights Commission (see story on page 3 and the article by Dr. Hill on page 8). The new Director will assume his duties later in the year.

Human Rights Laws

(Continued from Page 1)

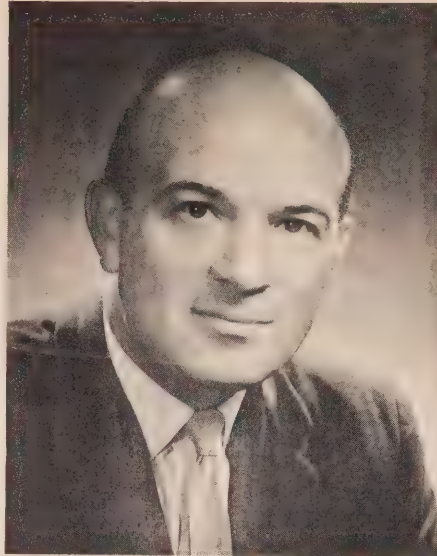
employers who had been the subject of a formal complaint. One might assume that the experience of an investigation by the conciliation officer would prove salutary, or at the least, educational in its nature and such as to modify the alleged prejudices of the employer as well as overt acts of discrimination. It is our conclusion that the prejudices of a good many employers have been heightened, rather than lessened, by a complaint under the Act, although discrimination may technically have been reduced. Some employers take the view that they were the victims of an unfortunate experience like the occasional automobile driver who gets caught going through a red light. They claim to know of dozens of employers who discriminate in their employment practices but only the respondent was unlucky enough to be the subject of a complaint. Bad luck, in their view, seemed to excuse a considerable degree of bitterness and strong statements concerning their reluctance to hire members of a minority group. The surest way to avoid a complaint is to avoid hiring a potential complainant.

★ ★ ★

Circumventing the Law

A FAIRLY substantial proportion of employers in our sample stated frankly that they circumvent the law. The most simple form of circumvention occurs during the hiring process. They have learned to avoid discriminatory questions on application forms and some have evolved clever codes to record pertinent data concerning race, creed, colour and the like during an interview, without asking such questions. Another method of avoiding trouble is to use the services of an employment agency where the employer's requirements (and prejudices) are clearly understood and taken into consideration in referring prospective employees.

The records of our interviews demonstrate that Negroes are clearly the most seriously affected minority group although their numbers in Canada and in Ontario are quite small. In Metropolitan Toronto, Negroes number perhaps 6-7,000 persons, and a fairly small number are members of the labour force. It is quite true that many employers have not had an applicant from this group or not more than one or two applicants over many years. On the other hand, some employers hold views concerning



Dr. Albert Rose

Negroes which seem to be verbatim recitals of racist materials emanating from the "deep south" or the Canadian oil country. Two or three Negroes had reached supervisory positions in the employ of our respondents but two of these had been told firmly that they could go no further. In Windsor, doubtless affected by its proximity to Detroit and the presence of a more significant Negro population than in Toronto, the few employers interviewed made no effort to hide the apparently general view that Negroes are simply not considered to be suitable employees.

★ ★ ★

Ancient Stereotypes

JEWS, however, were the most seriously criticized of the members of minority groups and the targets of the most vocal and prejudicial statements. Although Jewish persons were fairly widely employed and known as employees, there was a considerable expression of dissatisfaction with this experience. Employers often repeated ancient stereotypes and a careful comparison of the attributes they seek in employees and their views concerning Jews (and Negroes and New Canadians as well) revealed generally negative results.

It should be emphasized that there were expressions of open-minded attitudes towards members of all these groups as employees, based on actual experience in many cases, but these were a moderate minority among the totality of the interviews.

New Canadians are more highly regarded than Negroes or Jews but there is a pronounced tendency to classify certain national groups for specific jobs or categories of employment. Italians are seen as unskilled labourers; Germans

are seen as moderately or highly skilled craftsmen. It was interesting to find, however, that immigrants from the United Kingdom and from Australia came in for the strongest criticism among newcomer groups. In general British and Australian immigrants are regarded as persons who believe that "Canada owes them a living" and exhibit attitudes of superiority which rankle in the minds of Canadian (apparently) employers.

The size of the firm — judged by number of employees — is definitely of some importance in judging the quest for discrimination in employment. As hypothesized, larger firms more often had created full-fledged departments of personnel in which procedures were standardized and included application forms, psychological and other test procedures, and personal interviews. The effect of such procedures appears to be a reduction in the importance of the personal prejudices, if any, of the individual hiring agent. The small firms, on the other hand, more often relied on the personal judgements of one person, perhaps a foreman, but very often the employer himself. As a general proposition it appeared that the larger the firm the more strict attention to the public policy of non-discrimination as expressed in law and the less the degree of discrimination if any.

Nevertheless, in our view, "nearness to" or "farness from" the public is probably more important than the size of the firm. A firm which is "near to" the public is one which deals directly with the ultimate consumer such as a retail store, a dairy or bread company, a door-to-door sales firm, a restaurant, an insurance agency or a real estate firm. On the other hand, a firm which is "far from" the public is one which manufactures a product which is sold through the normal channels of distribution — wholesalers or retailers who in turn deal with the consumer.

★ ★ ★

"Our Clients Would Object"

THOSE firms or employers which are near to the public generally hold the view that their clients would object to service from a member of a minority group. They will place such a person in a district in which he might deal primarily with his fellow nationals or co-religionists but would not otherwise employ him. Several respondents spoke of clients likely to be frightened by a Negro real estate salesman or milkman. They believed that consumers would not like service from a Jewish sales clerk or a new Canadian who spoke with an accent

On the other hand, those employers who far from the public did not have these objections and seemed more willing to allow the employee to be hired on his "ability to fit in" and his activity. Some — but only a few — raised the question of their concern that fellow employees might object to employment of a member of a minority group.

It is our firm conclusion that a good many employers refrain from hiring members of minority groups in order to avoid risking the anticipated criticism from customers, clients or employees. They believe that there will be trouble although most respondents have not actually tested these assumptions. On the other hand, if business is reasonably good and the firm or organization is making progress, their reluctance to be "neers" as one respondent put it, can be understood if not condoned. There is a great urge or necessity to "take risks".

★ ★ ★

Might Not 'Fit the Image'

EMPLOYMENT agencies, in our judgment, constitute a strategic area for further study and investigation, perhaps the staff of the Ontario Human Rights Commission. We found that most private employment agencies do not themselves have members of minority groups and make no effort to recommend employees who might not "fit the image" of the employee held by their clients. In short, they accept discriminatory job orders and screen prospective employees to spare their clients the embarrassment of advising a circuitous method of turning away such persons. An employment agency which did in itself have members of minority groups on staff, reported some success in inducing clients to break down traditional discriminatory employment practices.

The Press, daily and commercial newspapers, merit additional attention from the Commission, in our view. It was remarkable how slowly newspapers in Ontario learned that the legislation applied to their operations both as employers and the publishers of advertisements for employers seeking staff. None of the English language daily newspapers in Metropolitan Toronto would agree to interviews with the research team and their refusals constituted half of all the refusals received in the course of the study. On the other hand, several newspapers in Ontario were, for many years, unable to devise techniques to forestall the publication of advertisements which indi-

Premier Robarts Announces Appointment Of Human Rights Commission Director

DOCTOR DANIEL G. HILL, well known sociologist and at present lecturer at the University of Toronto, has been appointed Director of the Ontario Human Rights Commission. The announcement was made in the Legislature by Premier Robarts.



Dr. Hill, who will take over his new duties later in the year, is a graduate of Howard University, Washington, D. C., from which he received his B.A. in 1948. He later studied at the University of Oslo in Norway and received his Master's Degree in sociology from the University of Toronto in 1951 and his Ph.D. from the same university in 1960.

The new Commission Director was for a time Assistant Warden of St. Andrews Memorial House in Toronto, an educational institution established by and for New Canadians. From 1955 to 1957 he was Research Director of the Social Planning Council of Metropolitan Toronto and later became Executive Secretary of the North Toronto Area Planning Council, which involved community organization and the planning of health, welfare and recreation services. Shortly thereafter he became a lecturer in the

Sociology and Extension Departments of the University of Toronto.

★ ★ ★

AT present Dr. Hill is engaged in a special research project for the Department of the Attorney General in association with the Alcoholism and Drug Addiction Research Foundation. He is the author of a number of volumes on community organization.

In announcing Dr. Hill's appointment as the first full time Director of the Ontario Human Rights Commission, Premier Robarts said that the Government was deeply gratified by his decision to accept the appointment and felt that Dr. Hill's background and training, together with his rich experience in the field of human relations specially fitted him for the task.

The Honourable William K. Warren, Minister of Labour, who joined with the Prime Minister in announcing the appointment, expressed the hope that all members of the Legislature would co-operate with Dr. Hill in his efforts to advance the aims of the Human Rights Code which all parties had helped to fashion.

Discriminatory preferences by employers in contravention of the Act. It was hard for us to understand why this proved to be such a difficult problem for the publishers.

★ ★ ★

Social Legislation Is Not Enough

FINALLY, we were forced to the conclusion that the administration and enforcement of the Fair Employment Practices Act in Ontario needs a searching re-examination. We became aware of the differences in the viewpoints expressed by employers and those which they had expressed to the Conciliation Officer when a complaint had been investigated. The intention of the government to enforce its own legislation is widely regarded by employers as not serious. There is no question, in the light of our study, that a great deal more is required in the area of education. At the same time, we believe that the Com-

mission should have the power to investigate a type of business or an entire industry in the Province to discover just what is happening in the employment and integration of various groups within the labour force. This would require a Commission free from other duties and responsibilities, a research department with trained personnel, and perhaps a change in the legislation. In any event, the law as it is now administered is not taken seriously by many employers and while its existence has probably opened up new fields for employment of those against whom discrimination is practiced, the existence of social legislation is not, by itself, enough to guarantee equality of opportunity for all citizens of the Province who are qualified for specific employment. There must be continuous education, research into the experience of employers under the Act, and the dissemination of information widely, fairly and frankly.

By STEPHEN DAVIDOVICH*

REASON AND EMOTION — THE INSEPARABLE TWINS

IN his book, *"The Aims of Education"*, the philosopher-mathematician,

A. N. Whitehead, says that where available knowledge can make the difference, ignorance has the guilt of vice. There is profound wisdom in that remark, and when applied to problems in human and intergroup relations, it can provide us with a guidepost to the management of our feelings and attitudes about people and our subsequent behaviour towards them.

Although it is true that all of us must



make decisions, usually without all the ascertainable facts, it is nonetheless equally true that the more we collect and evaluate the relevant facts, the more likely are we to make good judgments and decisions. I am

using the word "good" in its ethical sense in that the judgment or decision arrived at in that way is likely to approximate justice to all concerned and to conform as nearly as possible to the Kantian categorical imperative to act in such a way that the motives underlying one's action may become a universal rule.

★ ★ ★

Built-in Reverence for the Facts

NOW, I believe in the basic goodness of man; I do not think that human beings in general are vicious or spiteful or do harm intentionally, unless they feel that by doing something which they recognize as reprehensible they are serving some higher or more important good. Under such conditions they feel themselves justified; in fact, they may even feel they are being just. The only kind of counter-measure, then, that I can see against such behaviour is a built-in reverence for the facts, for evidence, for truth. External sanctions may make a man behave in a socially acceptable way out of fear, but only inner regard for human beings, for truth, for the facts and the evidence whereby truth is approximated, can make a man want to act justly and appropriately towards others.

Let me illustrate my point. In the course of the last 16 years of working in the area of immigration and the process of absorbing newcomers into our social, political and economic life, I have run across a number of cases where a

**Mr. Davidovich is Director of Citizenship in the Department of the Provincial Secretary and was previously Assistant Director of Community programs in the Department of Education. He has had wide experience in the field of human relations and adult education. Mr. Davidovich is a member of the National Citizenship Council and has been closely associated with both national and provincial projects designed to assist new Canadians in adjusting to their new homeland.*

competent newcomer was refused a job or even a referral to a job. Someone on the other side of the desk or counter made, firstly, an incompetent appraisal of the linguistic competence of the newcomer applicant and, secondly, drew a false inference that, if the applicant does not have an adequate knowledge of English, then, by the same token, he cannot have the skill or training required for the job under consideration. The internal syllogism that was mentally constructed by the interviewer probably ran something like this.

- Anyone who is not competent in English cannot be a competent engineer, mechanic, mathematician, etc.
- But the applicant before me is, in my opinion, incompetent in English.
- Therefore the applicant cannot be a competent engineer, mechanic, mathematician, etc.

★ ★ ★

Well Intentioned Ignorance

OR another example that may be called "What's in the name?" Most of us have heard of cases where a job applicant is said to have been rejected because, judging by his name, he wasn't "Canadian", although he was born in Can-

ada, either of immigrant or Canadian born parents. The person making such a decision might really have to rack his brain to establish a connection between the name and qualification for the job.

And so another man, who might have made a significant contribution to the firm, goes away feeling disheartened, disgruntled, perhaps even persecuted, because someone acted out of well-intentioned ignorance, if not out of prejudice.

This is not to say that every newcomer looking for a specific job should be automatically regarded as competent simply because he chooses to apply. Newcomers can, and do, act as intelligent and illogically as most of us. It does it mean that we should not discriminate. When there are 10 applicants for one job you must discriminate. But the basis of discrimination must be pertinent and objective, and the choice must be made on logical and rational grounds in the light of available facts.

Ignorance in human and intergroup relations is not only a matter of not knowing the facts. In dispelling ignorance in this area the development of refined feelings is as important as the development of refined minds. Attitudes, by definition, have an emotional component. Behaviour, which is largely a visible manifestation of attitudes, must be at least in part an emotional act.

★ ★ ★

The Inseparable Twins

A PERSON can be highly sophisticated in the realm of ideas or exceptionally skilled in his own field of work and yet remain ignorant in human relations. Indeed, from the point of view of dealing with prejudice, such persons are much more important than others because they so often exercise influence over others or have decision-making power that accrues to them because of their education or training.

A necessary, though not a sufficient condition for improvement in dealing with people, is what the psychologists call 'empathy'. It is the ability to put oneself in the position of another and to come to appreciate and understand how he feels in that situation by knowing how we ourselves would feel.

This does not mean that I am advocating maudlin sentimentality; on the contrary, this is a highly realistic view because it provides for both reason and emotion, the inseparable twins that make man what he is.

I am not insisting that we should always act towards others out of mercy. Perhaps not every man deserves mercy but surely every man deserves justice.

★ LETTERS ★

Italian Community Spokesman Gives Impressions of Canada

EVEN months ago when I arrived in Canada the impression which struck me first was a feeling of free space: not only in a geographical sense, but also in the sense of free movement. Once through immigration and customs procedures, this feeling accompanied me everywhere when I realized that reporting to the police as to my movements, change of address and residence was not expected from me.

A few weeks ago a Canadian friend presented me with a pamphlet issued by the Ontario Human Rights Commission. The thoughts and the quotations contained in it gave me the first opportunity to understand the psychological community of this nation of which I have

now become a part and to appreciate the great efforts made by outstanding political leaders in achieving the unification of Canada, yet preserving at the same time the diversity of its many cultures.

When I read the words: — "... all our people, of whatever racial, religious or cultural background — new-Canadian no less than native born — will be made to feel that all are equal in dignity and rights... and that each has a rich contribution to make to the development and well-being of our province and nation", — I thought that we in the Italian

community would like to make just such a contribution. As you probably know, right now we are encouraging our people — employed and unemployed — to take vocational courses in order to equip themselves to play their full part in the development of Canada's economic life.

In our community we have thousands of capable young men between the age of 20 and 35 to whom, under existing laws, many doors of vocational education are closed. Should they be deprived of this opportunity?

Surely in this age of rapidly changing technology, re-training facilities should be available to all those who are willing and able to take advantage of them. This, to our way of thinking, is an essential consideration because we feel that in order to make the contribution referred to in your pamphlet the doors should be open to all men of good will desiring to better themselves and by so doing, the country in which they have come to live. We need the help of the Government in removing these barriers which now stand in the way of adult citizens who are seeking the opportunity to make a fuller contribution to Ontario and to Canada.

*Adelsi Bulfoni, President
COSTI, Italian Community
Promotion Centre.*

Toronto.

FOR YOUR INFORMATION

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

★ ★ ★

PUBLICATIONS AVAILABLE:

"HUMAN RIGHTS ARE IN YOUR HANDS"

A 16-page pamphlet giving the background of the Ontario Human Rights Code.

★ ★ ★

"SOCIAL JUSTICE IN ONTARIO"

An 8-page tract summarizing the Legislative Acts on which the Ontario Human Rights Code is based.

★ ★ ★

"HUMAN RIGHTS ARE IN YOUR HANDS"

A prize-winning poster by George Barry suitable for display in community halls, industrial plants and store windows.

Address requests to:

Thomas M. Eberlee,
Ontario Human Rights Commission,
Room 262,
Parliament Buildings,
Toronto, Ontario.

TRADE UNION LEADER TAKES ISSUE WITH VIEWS OF CLERGYMAN

UPON reading your December issue, I cannot help but make comment on the article "Clergyman has one reservation on the Human Rights Code."

It would seem to me that he has not just one but many reservations.

1. He would discriminate in hiring on religious grounds.
2. He would discriminate on political grounds, and,
3. He would even go so far as to discriminate against honest workmen and protect "chizzlers" as he calls them.

Perhaps this clergyman should look in the mirror or do some soul searching if his congregation or other congregations in the Christian Church are smaller than he believes they should be or if the support is not up to his expectations.

On Union membership, it may be well for him to study the pressure used by the Bar Association on membership before he becomes an expert in Labour Relations.

We have too many of these so-called experts, giving advice to the Trade Union Movement. Perhaps if he could show the Union members in his area that they would benefit by belonging to and supporting his church financially, they would belong and support. If he is willing to discriminate because of religious or political beliefs, then I ask, "How much further does one have to go to discriminate on other grounds because a man may be yellow, black or red, or because he may be a Jew?"

*J. G. PESHEAU
Secretary-Treasurer
North Ontario District Council
Lumber and Sawmill Workers Union.
Port Arthur, Ont.*

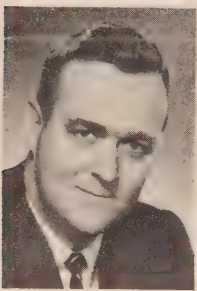
By GODFREY HUDSON

THE QUIET PEOPLE

THEY SERVE WITHOUT GLORY

ALTHOUGH her personal life had been torn by tragedy, her personality showed no scars. She radiated goodwill in her 60s as she had in her earlier life. She was a member of the multitude known simply as "the quiet people".

Her occupational rank was low—a cleaning woman, a post that some, in an effort to be kind, might have puffed up to "maintenance supervisor", but which she never would



have done. She preferred simplicity and above all honesty. To avoid embarrassment (because she shunned publicity), we shall call her Mrs. Smith.

When awards were made for distinguished citizenship in her community, a prairie city that survived the depression and then flourished, her name was never on the list of nominees. The judges always seemed to pick someone in the public eye who had been chairman of a campaign or who after amassing great wealth had decided to distribute a portion to charity or who had made a scientific discovery or who had won sports fame. It was natural that Mrs. Smith was not in the limelight. What cleaning women would be, unless she inherited a fortune or committed a serious crime? Yet her contribution to true brotherhood was noteworthy even if utterly unrecognized by officialdom.

In every community there are people who like the members of the ground crew "toil without glory", who day in and day out provide an example to others and foster, without fanfare, the warmth that melts barriers and builds human bridges to bring people together.

★ ★ ★

MRS. Smith was forced into being a charwoman. To have seen her at work you would have surmised that charring was her chosen profession. She went about her menial tasks with exceptional vigor. Boredom was not part of her make-up.

Her husband, a war veteran, was plagued for years by indifferent health and finally succumbed to cancer. During the three decades in which he was bedridden, his wife was the sole provider — apart from a paltry pension granted

Mr. Smith. Their only son, his mind influenced by the ravages of the depression era that had a scythe-like effect in slashing the dreams of young prairie folk, gravitated toward the left and volunteered to fight for the insurgents in the Spanish Civil War. Mr. and Mrs. Smith grieved over their son's decision. There followed months of anxious waiting for the industrious Mrs. Smith and her ailing spouse. The youth was killed in action but to this day Mrs. Smith does not know exactly where nor when.

★ ★ ★

OVERBURDENED with grief, she managed to put on a brave front. Her trade-marks—a cheerful smile and a pleasant greeting—were unimpaired. The lines under her eyes were the only visible evidence of the torment in her heart.

The antiquated four-storey Y.M.C.A. building in which she toiled for 30 years served, in part, as a temporary residence for young men trying to get established in the city. With her motherly instinct, Mrs. Smith made a point of extending special greetings to newcomers and discreetly giving them some complimentary information about the other residents once she had had a chance to size them up. Her object: to promote friendships.

A keen memory enabled her to recall the names of former residents whom the newcomers might have known. This made an additional conversation piece.

While a formal welcome was given at the office when young men checked in, it was Mrs. Smith who was the real welcoming committee. She succeeded in making everyone feel at home by taking a genuine interest in their welfare.

If the bachelors lost a shirt button and had no girl friend to sew it on, she would make periodic checks on his correspondent let his belongings fall into disturbing disarray, she would straighten out the room. If someone took ill, she would make periodic cheeks on his con-

dition and arrange to have this brought to him. Prejudice was alien her nature and her kindnesses were tended to all regardless of race, or religion. None of this was a required of her job. Indeed, it often meant working overtime to complete her regular chores.

When she bustled along the hall with her plain cotton dress, broom in one hand and dust pan and cleaning rags in the other (vacuum cleaners were expensive in those days and the Y perennially was short of funds), she always found time to stop to comment cheerfully about the weather or about an event or a mutual friend. Invariably she said, "It was fine. Her frequent laughter was much a part of the building as the mortar that joined the bricks."

★ ★ ★

FINDING out about her personal life wasn't easy. She was reluctant to talk about her burdens which she preferred to bear alone. But she was anxious to hear of others' burdens and people confided in her. She overlooked the faults of the young men who lived there.

While at work, Mrs. Smith developed bonds among the residents. Now in retirement, she is helping to maintain those bonds. Dozens of men who lived at the Y remember her annually with a Christmas card and a note. To those who write she responds with word of her own activities and news about the lives.

This may not be brotherhood in the formal and well-publicized sense. It was probably not bring Mrs. Smith a Brotherhood award. But it is the way of life of "the quiet people" who in the words of Queen Elizabeth II — "fight prejudice by example, who stick to standards and ideals", and who by civilized living maintain the moral and spiritual health of the community.

HUMAN RELATIONS

Vol. 2 - April-May, 1962 - No. 5

Published by the Ontario
Human Rights Commission

Hon. WILLIAM K. WARRENDER
Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary

Joyce Applebaum,
Gordon Greenaway,
J. F. Nutland, Members.

Address all correspondence to:
Thomas M. Eberlee,
Room 262, Parliament Buildings,
Toronto.

Human Rights Education Program

Proposed By Ontario Labor Federation

educational program to promote the principles of the Ontario Human Rights Code must be based on the fact that the Code contains functions which its administrators are determined to enforce promptly and efficiently. Educational programs in this field which are not linked with effective enforcement procedures frequently result in attitudes of cynicism, skepticism and distrust toward fair practices legislation and the principles upon which the legislation is based.



We believe that it is essential for the Commission, in terms of responsibilities under the Ontario Human Rights Code, to set itself meaningful educational objectives. Our program to deal with such objectives and methods of attaining them.

Human Rights educational programs, from the enforcement of legislation to attendant publicity, should perform the following functions:

To supply information of the law, the meaning of the law and the principles upon which the law is based, to those persons and groups who were previously unaware of these matters.

For instance, results from one of the research studies conducted under the direction of Dr. Albert Rose showed that 75 percent of the sample of large firms, and forty-three percent of the sample of small firms did not know of the existence of the Fair Employment Practices Act. We do not have any data on what percentage of the general public or what percentage of members of minority groups have no knowledge of the Human Rights Code, but we assume that a substantial percentage of the various groups would come within this category.

Therefore one of the primary functions of an educational program would be to extend a knowledge of the Human Rights Code to those sections of the Ontario population which are not aware of the Code.

b) To correct mistaken or incorrect information or opinions on the Human Rights Code and its operation.

SOME of the data gathered in the Commission's research project on the operation of the Fair Employment Prac-

On February 26th, representatives of the Human Rights Committee of the Ontario Federation of Labour of which A. Alan Borovoy is Executive Secretary, met with the Commission and presented a memorandum outlining its views on the type of education required to advance the aims and strengthen the application of the Ontario Human Rights Code. We are pleased to publish herewith those portions of the memorandum which relate to recent studies carried on under the direction of Dr. Albert Rose whose findings are reported elsewhere in this issue of "Human Relations".

T. M. E.

tices Act provide examples of the extent to which mistaken information is accepted as fact. The study indicated that out of responses from a sample of forty-four small firms, twenty-five of the respondents said (among other things) that the fair employment practices act was invalid because it — 1) can't legislate people into non-discrimination; 2) can't change human nature; 3) doesn't work-enforcement impossible; 4) can't prove discrimination; 5) doesn't carry any weight.

These are examples of mistaken or incorrect ideas and opinions about the fair employment practices act, in particular, and anti-discrimination laws in general. Our experience with a great variety of groups in the community support the contention that the misconceptions mentioned above are shared by many persons in the general public.

A proper educational program should have, as one of its aims, the correction of false and mistaken impressions about the Human Rights Code and its administration.

c) To promote favourable attitudes and change negative attitudes in regard to legislation providing for equal opportunity for minority groups, and in regard to the principles underlying such legislation.

Results from the research project in-

dicating that out of a sample of respondents from forty large firms only fifty percent had positive attitudes toward fair employment practices legislation. The percentage of respondents from small firms having favourable attitudes was much smaller — only twenty-seven percent out of a sample of forty-four firms.

We would estimate that a majority of the general public have positive attitudes toward fair practices legislation. Our experience in obtaining wide-spread community support for the extension of fair practices laws support this estimation of public attitudes.

★ ★ ★

THE willingness of the great majority of tenants to sign petitions favoring open occupancy policies in the apartment houses in which they reside, gives added support to our contention. It should be recognized that the attitudes of the general public are more favourable to fair practices legislation than the attitudes of persons who make and — or carry out policy in the employment, housing and public accommodation fields.

Education programs designed to cope with unfavourable attitudes toward the Human Rights Code should take these differences into consideration.

d) To supply accurate sociological, psychological and economic information on minority groups in Ontario and seek to eliminate false racial and religious stereotypes.

The willingness of persons to accept the Human Rights Code and help to promote its principles may be hindered or inhibited by prejudiced ideas and information regarding minority groups. Thus their attitudes towards the enforcement of the Code may be based on objections to extending the principles of fair play to groups or persons who, in their eyes, are unacceptable.

Results from the research project indicate that respondents from fifty-three out of a sample of eighty-seven accused companies expressed prejudice against at least one minority group.

While we feel that the major effort of an educational program under the Human Rights Code should be directed towards emphasizing the rights of all persons to equal opportunity and the legal sanctions safeguarding those rights, there is a need in such a program for the gathering and dissemination of social facts about minority groups.

By DR. DANIEL G. HILL

ONTARIO'S RICH TRADITION — A MEANINGFUL CHALLENGE

IT IS with eagerness, tempered by feelings of responsibility and concern, that I anticipate my duties as Director of the Ontario Human Rights Commission.

I am certainly proud to participate in Ontario's rich tradition of liberal thought and action in the field of inter-group and ethnic relations. In my own research, I have noted that this tradition was firmly established in the early nineteenth century when the people of this Province played a significant part in the abolition of slavery by receiving thousands of fugitives and establishing numerous organizations to help them.

For the most part, citizens of Ontario have lived up to their heritage, and over the years have led other provinces in taking legislative steps to curb discriminatory practices in employment, public accommodation and services and multiple housing.

★ ★ ★

PERHAPS my feelings of concern are heightened by the dispassionate study of Dr. Albert Rose and his students from the University of Toronto School of Social Work. We are told, in a most definitive sense, that employment discrimination, much of it covert, still exists. The research dispels any complacency about our accomplishments and reminds us that this is surely not a time for lethargy. Dr. Rose has undoubtedly presented us with a meaningful challenge.

It is certainly too early for me to prepare a specific program for the Commission, since I have not officially assumed my duties, but I can anticipate three broad areas of responsibility.

First, we are definitely committed to the proper administration of the Ontario Human Rights Code, especially with regard to effective conciliation procedures in the handling of complaints. Essentially, the Commission exists to protect the rights of Ontario citizens and visitors, as delineated in the new Code.

Second, we must continue to devote our educational efforts to the adequate dissemination of material about the Human Rights Code and the Commission's activities. We should constantly interpret our work to the newcomers from other lands, who are making Ontario their home and of whom there are 400 thousand or more in Metropolitan Toronto alone.

IT would also seem important, as an additional educational goal, to effectuate a working relationship with the numerous religious, labour and voluntary associations that are either directly or marginally engaged in combatting prejudice and discrimination. We should

pursue methods of cooperation, of exchanging information and data, and of urging each other to real and potential common areas.

Lastly, we must work from a solid base of research and facts. We need data that would make us less speculative in defining the nature and scope of discriminatory practices. The numerous universities and colleges throughout Ontario should be approached and encouraged to do regionally-based research in this field.

In brief, effective administration, education, and the encouragement of research are the complementary procedures that I will try to employ as Director of the Ontario Human Rights Commission.

Ontario Human Rights Code Endorsed By Leaders of All Political Parties

THE human rights program of the Province will be greatly strengthened as a result of the passage of the Ontario Human Rights Code Act by the Legislative Assembly during the current session. The measure received Royal Assent on March 30 and will go into force later in the spring.

Introduced by the Honourable W. K.



Warrender, Minister of Labour, and supported in principle by every member of the House, the legislation consolidates the anti-discrimination statutes of the Province — the Fair Employment Practices Act, the Female Employees Fair

Remuneration Act, the Fair Accommodation Practices Act and the Ontario Human Rights Commission Act — into one simplified enactment whose administration is placed in the hands of the Human Rights Commission.

★ ★ ★

URGING support for the measure, Mr.

Warrender pointed out that up to the present time the administration and enforcement of the Province's anti-discrimination laws have been the job of two separate agencies within the Department of Labour, while the Human Rights Commission has been a third entity, separate from the enforcement of these laws, charged with the task of planning and conducting an education program in the field of human rights.

"What we propose to do," Mr. Warrender told the House, "is to bring all of these operations together under one roof and make the enforcement and administration of the anti-discrimination

provisions, as well as the planning and carrying out of educational activities, the responsibility of the Human Rights Commission."

★ ★ ★

SUPPORT for the measure came from spokesmen for all parties in the House. Kenneth Bryden, New Democratic Party member for Woodbine, it was "a very important bill which presents a very important step forward in this Province.

"This legislation is not really legislation for the benefit of minorities," Mr. Bryden. "It is legislation directed against discrimination . . . And it really does not matter whether it is the minority or the majority that suffers. When human rights are interfered with, it is desirable that public policy should be to prevent it."

Referring to the bill as a reflection of "the conscience of the people of the Province," Premier John P. Robarts explained that its purpose "is to combat the sanction clauses of the existing legislation with our extensive program of education and enlightenment and thereby make the law the ally of sense and decency."

Voicing the Liberal Party's support for the measure, John J. Wintermyer, Leader of the Opposition, said his supporters were "wholly in agreement with the principle . . . we always have been and we always will be."

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

PERIODICALS READING ROOM
(Humanities and Social Sciences)

December, 1962



No. 6

Human Rights Code Warmly Endorsed By Ontario's Industrial Leaders

By LOUIS FINE

Chairman, Ontario Human Rights Commission

IE Executives of 1,000 Ontario industries, employing over 200,000 workers, have declared that they are solidly behind the Ontario Human Rights Code and are making it the basis of their employment practices, according to a letter survey recently conducted by the Ontario Human Rights Commission.

There were, however, some sharp differences of opinion as to the most effective means of implementing the Code. One employer advocated "a hard line" and expressed doubt that a Conciliation Officer could change a bigoted mind. He is quite convinced on the other hand, that a Crown Attorney armed with sufficient evidence can bring about a change in the practices of the bigoted.

The vast majority of those replying gave strong support to the opposing point of view as expressed by an employer who wrote: "we believe that the Commission should concentrate on the educational aspect, that it should not emphasize its powers of compulsion but could use them quietly, when necessary, with a minimum of publicity."

A more detailed analysis of the letter survey follows:

★ ★ ★

In our last bulletin Dr. Albert Rose summarized the major findings of a research project, conducted at the University of Toronto, in which the practices and policies of 150 employers were analyzed in relation to the provisions and administration of the Fair Employment Practices Act (now incorporated into The Ontario Human Rights Code). Undoubtedly, the 150 intensive interviews, conducted in five major Ontario cities, did much to document the attitudes of employers towards, not only the Commission, but also the numerous racial and religious groups in our Province. Dr. Rose, concluding that the results of the study were, "substantially, though by no means entirely, negative", listed certain findings which gave the Commission cause for immediate concern and spurred us into undertaking additional efforts. Three conclusions which we

felt should be followed up immediately were:

(a) The legislation embodied in the Ontario Human Rights Code is apparently unknown among an important proportion of employers;

(b) Those employers who do know and understand the legislation do not regard it as their responsibility to inform their employees of their rights under the Code;

(Continued on Page 2)

Human Rights Day

WITH the approach of December 10th — the 14th Anniversary of the Universal Declaration of Human Rights — we can note with some satisfaction, that in the past year our Province has taken another substantial step toward implementing its principles by the enactment of the Ontario Human Rights Code.



By bringing together into a single statute all the various human rights legislation passed since 1944, by enlarging the scope of the Ontario Human Rights Commission and by appointing a full-time Director with additional staff, we are now in a much better position to proceed with a greatly expanded educational program designed to make the aims of the Code better known and understood by our people.

It is a matter for gratification too, that in the development of its program of education and enlightenment the Commission is receiving the active and wholehearted cooperation of our churches, schools, industry, trade unions, and a wide variety of community organizations. This is surely the best proof that our citizens, individually and collectively, look upon our Human Rights Code as a reflection of the community conscience; that they are prepared to play their full part in applying its principles in their daily relationships, not just because the law requires it, but because truly enlightened social behaviour demands it.

While we deplore and condemn violations of human rights elsewhere in the world and stand aghast before such ugly manifestations as the Berlin Wall, we must never cease to concern ourselves with those walls of prejudice which still exist in our own community — and sometimes in our own minds — and which deny to our fellow citizens that justice and equality of opportunity which is their inalienable right. Justice, like charity, should begin at home.

Let Human Rights Day be, among other things, a time for self examination in order to make certain that we are faithfully adhering to those lofty principles of the Universal Declaration on which the Parliament of Canada and the Legislature of Ontario have placed their seal.

John P. Robarts
Prime Minister of Ontario.

Human Rights Code

(Continued from Page 1)

(c) The Code as it is now administered is not taken seriously by many employers.

★ ★ ★

IN order to follow-up Dr. Rose's recommendations the Commission, in May, initiated a letter-survey, to obtain a more extensive manifestation of the thinking of employers regarding the new Ontario Human Rights Code and the Commission's activities. Our letter, which was personally directed to the Executives of over four thousand firms employing ten or more people asked if they were:

(a) familiar with the Ontario Human Rights Code and the legislative acts on which it was based;

(b) in sympathy with the Code and satisfied that their employment practices were based upon its principles;

(c) interested in distributing and displaying Commission publications and posters in their establishments;

(d) willing to comment and make suggestions which would assist in making the Code more effective.

The letter-survey had therefore an educational function in encouraging employers to record their support, suggestions or criticisms of Ontario's Human Rights programme.

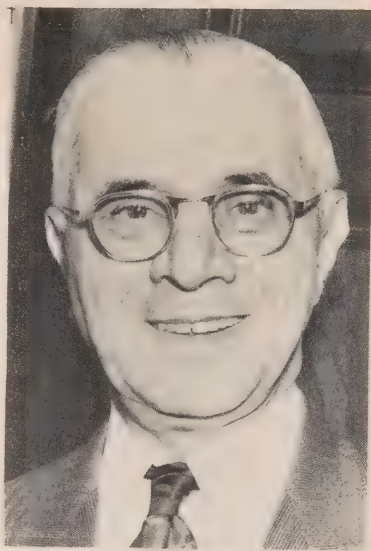
The results of this correspondence showed a greater awareness of our activities than we had suspected.

★ ★ ★

WE received almost 1,000 replies from the 4,200 employers contacted which constituted, for our purposes, an adequate sample. Although we stopped tabulating in late September, responses are still coming in. An analysis of the letters showed 531 responses which could be classified into certain rough but, nevertheless, informative categories. The 531 employers were located in 125 different cities, villages and towns and included a total work force of over 170,000 employees. The wide dispersion of responses across the Province led us to feel that we had reached a representative proportion of employers.

A surprisingly high proportion of the employers, 71%, claimed that they were already familiar with the new Ontario Human Rights Code but only 61.5% had knowledge of the earlier legislation — The Fair Employment Practices Act and the Fair Accommodation Practices Act — on which the new Code is based.

This general response was further grouped by size of firm. The 57 largest



LOUIS FINE

firms (500 employees and over) and the 57 smallest firms (21 employees and under), were then analyzed to see whether smaller firms were less aware than the larger ones of the Human Rights Code. Fifty-two of the largest firms claimed familiarity with the Code while only 34 of the smallest ones had knowledge of it. Furthermore, 49 of the largest firms also knew of earlier legislation in this field, compared to 25 of the smaller businesses. Therefore our findings definitely support Dr. Rose's original observation and suggest that the Commission needs to increase its educational work among smaller firms. However, while the general proposition, "that the larger the firm, the more strict attention to the public policy of non-discrimination as expressed in law and the less the degree of discrimination, if any" would seem generally, to be true, we encountered a few small firms who were quite forthright in asking the Commission to use less persuasion and more legal force. For example, the president of a small business commented: "Since as your booklet says these laws are directed against acts and not thoughts, it seems to me that there is too much emphasis on conciliation and persuasion and not enough on prosecution. I doubt that a conciliation officer can change a bigoted mind but a Crown Attorney, armed with sufficient evidence, can do much to bring about a change in the practices of the bigoted." However, most firms regardless of size took the position expressed by the following employer: "We believe that the success of the application of the Code will be in direct proportion to the degree of education of the people of Ontario with respect to the moral principles underlying the Code, and for this reason,

we believe that the Commission should concentrate on the educational aspect, that it should not emphasize its powers of compulsion, and should use those powers quietly when necessary, with a minimum of publicity."

★ ★ ★

OUR questions regarding whether or not a firm was in sympathy with the aims and objectives of the Human Rights Code drew a wide and interesting variety of answers. Indeed, an article could well have been based on this response alone. Everyone was "against sin", but in varying degrees. Fifty-eight firms, or 11% of the total, were strongly positive in their acceptance and support of the Code and gave clear-cut examples of fair practices measures they had initiated before the Commission started its educational programme. Letters in this category frequently showed that the employer had given long and thoughtful consideration to our questions, taking pains to make suggestions, to encourage the Commission in its activities and to enunciate both personal feelings as well as company policy in relation to the Ontario Human Rights Code. One firm even reproached the Commission claiming that industry had not properly been informed of the earlier legislation and stated, "When the income tax rates change, all the employers on record get a copy in the mail of the changes. Had everyone received a copy of these other Acts pertaining to employment, the same way that you have done with the Ontario Human Rights Code, the results of Dr. Rose's study would have been different." A medium-sized industry in northern Ontario, after commending the Commission for its work, continued: "The Code possibly needs more teeth, such as the closing of a public premise plus a fine for showing discrimination against any person because of religion, race or creed."

Many firms in the strongly positive category stated that they had re-examined their application forms and made desired changes after reading the Code. One large industry with branch operations in four cities commented: "On reflection, while our previous application form did include questions about nationality, citizenship and place of birth, we like to think that such information had no bearing on the hiring of an employee. This merely proves that the information was useless and therefore need not have been used in the first place."

★ ★ ★

FINALLY, numerous industries wanted to affirm that their businesses were representative of the Canadian amalgam and made a special effort to conduct sur-

ys of the ethnic distribution in their ants, informing us in a frank manner the results. Many individuals included their personal views on the subject of prejudice and discrimination, as illustrated by one manager of a large industry in northern Ontario who commented, "I, personally, have never felt a need to discriminate against anyone for religious or racial reasons. My wife is a Catholic, I am a Protestant, my daughter married a man who was part Indian and before coming here I had a coloured dentist."

In the second category of employers, 10% could be classed as having given affirmative answers to the first and second questions as well as volunteering to distribute Commission literature and posters throughout their establishments. In this group were also many good, but frequently conflicting suggestions, regarding techniques by which the Commission could more effectively reach the public. In many cases we were advised not to preach or "beat the drum" but to take the quiet, less offensive approach.

On the other hand, a mining firm upheld the position of the "hard sell" and advised us to, "let your hair down, communicate with Joe public in his own language, fire a few professors and hire some top-notch advertising men whose business it is to sell your message to the average man".

Approximately 175 firms made specific recommendations to the Commission, most of them in connection with our educational programme and could be grouped into the following areas: speakers bureaus and panels; human rights displays and exhibits at trade conferences and business conventions; greater use of the mass media, sponsoring cross-cultural activities, and changes in the school curriculum, to include more human rights information and finally changes in the legislation.

★ ★ ★

IN several cases management seemed concerned that the Commission's objective were laudable but that we had an uphill battle in fighting apathy and indifference among employees. Some of these firms invited the Commission to suggest additional methods by which our educational programme could get greater acceptance among the workers in the plant.

The right to unrestricted use of questions on application forms seemed to bother most employers in the third category, one of whom, wrote, "We do believe that the management of a company should be allowed to express a preference for a particular nationality of employee

A Piece of Freedom Is Not Enough *

HATE is always tragic. It is as injurious to the hater as it is to the hated. It distorts the personality and scars the soul.

Psychiatrists are telling us now that many of the inner conflicts and strange things that happen in the subconscious are rooted in hate. So they are now saying, "Love or perish".

This is the beauty of nonviolence. It says you can struggle without hating; you can fight war without violence.

As a race, we must work passionately and unrelentingly for first-class citizenship, but we must never use second-class methods to gain it. If this happens, unborn generations will be the recipients of a long and desolate night of bitterness, and our chief legacy to the future will be an endless reign of meaningless chaos.

We have come to the day when a piece of freedom is not enough for us as human beings nor for the nation of which we are a part.

We have been given pieces, but unlike bread, a slice of which does diminish hunger, a piece of liberty no longer suffices.

Freedom is like life. You cannot be given life in installments. You cannot be given breath but not body, nor a heart but no blood vessels. Freedom is one thing — you have it all, or you are not free.

Our destiny is bound up with the destiny of America — we built it for two centuries without wages, we made cotton king, we built our homes and homes for our masters and suffered injustice and humiliation, but out of a bottomless vitality continued to live and grow. If the inexpressible cruelties of slavery could not extinguish our existence, the opposition we now face will surely fail.

We feel that we are the conscience of America — we are its troubled soul.

Rev. Martin Luther King.

* Excerpt from an address to the National Press Club, Washington, D.C.

because of the educational and business background that may be required for a particular position to be filled."

Regarding this attitude, the Commission's position is that in the light of current scientific knowledge, a man's race, religion or nationality can in no logical way be related to his ability to perform a given task. If other information is deemed necessary, it should be obtained without prejudicing the individual's basic qualifications, after he has secured employment.

Another employer exclaimed, "Why must a special Provincial bill be necessary when we already have the much touted Federal Bill dealing in such areas . . . the benefit over the years will mainly accrue to the legal profession for which this legislation provides another source of grist."

★ ★ ★

IN our view Human Rights legislation has come about as a response to the will of the majority of citizens in this province. One expression of this will is reflected in the repeated deputations to the Government, over the past 18 years, in which religious organizations, labour, ethnic groups and social welfare bodies

sought a positive protection, based in law, of the individual's rights, especially in the areas of employment and accommodations. The Ontario Human Rights Commission is working within the framework of legislation that places a distinct priority on persuasion and conciliation and uses enforcement only when the expressed desire of the people is being purposely thwarted. This dual approach is, in itself, an acknowledgment of the fact that civil and criminal procedures, by themselves, do not bring about the desired changes in those prejudiced individuals who would deny certain fundamental rights to their fellow man. To obtain the optimum benefit from this approach, we feel that enforcement and conciliation procedures must be skillfully wedded to a broadly based educational programme. An article in The Harvard Law Review, of January 1961 devoted to a detailed analysis of the experience of nineteen Human Rights Commissions ended on the following note, "Moreover many feel the ultimate solution to the problems of racial and religious discrimination lies with education and not with compulsion. Experience indicates, however, that without force of law to nourish it along, the right to equal treatment will develop slowly, if at all".

By **STEPHEN DAVIDOVICH**

MUTUALITY

KEY TO UNDERSTANDING

THE aim of the Ontario Human Rights Commission is to promote mutuality — “to create at the community level, a climate of understanding and mutual respect, in which all our people, of whatever racial, religious or cultural background — new Canadian no less than

native born — will be made to feel that all are equal in dignity and rights, that each is a part of the whole Canadian community, and that each has a rich contribution to make to the development and well-being of our province and nation. Few will disagree that this is a prerequisite for the building of a truly healthy Canadianism.”



Underlying the Human Rights Code of Ontario is a moral value judgment to the effect that it is a good thing to have a regard for people (attitude), and to be just (behaviour) in dealing with them. Like all value judgments, it raises the pertinent question, “Why?” Why should one have a regard for and give justice to all men?

★ ★ ★

Three Points of View

THREE possible answers suggest themselves, each stemming from a different philosophy and a different concept of man. The first answer rests on a religious philosophy of the brotherhood of man in the fatherhood of God, which makes brothers of all men as children of God, from which brotherly attitudes and behaviour will be presumed to follow. The second answer stems from the humanistic thesis that man's happiness depends upon the satisfaction of his social impulses and other-regarding sentiments and that by giving others love and justice we are living up to our true character.

The third answer can be deduced from what seems to be a brutal philosophy that man is an egocentric, unrelated atom with a voracious, egoistic nature. However, he has to live with other people, and to make social life possible he must be controlled through fear, his own and that of others. Through the medium of laws and police power,

men must impose restraints and sanctions upon each other for self-protection. If this last view of man accepts the existence of any feelings of regard or justice to others it only does so because their egoistic interests can best be served by some form of effective and just relationship to others; that in fact doing to others as you would have them do unto you is in your best self-interest.

★ ★ ★

A Special Kind of Ignorance

THESE three philosophical positions tend to pinpoint the range of views as to the nature of man and yet each of them makes it possible to mount a moral argument for the Golden Rule. Why, then, is there a gap between what we see as desirable behaviour and what we know at times to be actual behaviour of people?

I would suggest that this gap stems from ignorance. But it is a special kind of ignorance; not the ignorance that comes from a lack of rational knowledge of specific facts or of a certain systematic body of information. For want of a better description I would call it ignorance at the level of feeling. My impression is that this kind of ignorance grows out of emotional isolation, fear, stifled curiosity and, ultimately, indifference. Perhaps, occasionally, it may have its roots in a kind of intellectual rigidity or dogmatism that rejects everything that does not conform to one's own notions. Yet even that form of ignorance is fundamentally emotional because true rationality must eventually accept the possibility of error in the very things one believes in most firmly.

To overcome intellectual ignorance we expose natural curiosity to the influence of systematic data, but even here the learner must want to satisfy his curiosity. He must wish to understand. In effect, the motive force behind all learning is

an emotion acting in conjunction with memory and intelligence.

★ ★ ★

Bringing People Together

BUT the curiosity that prompts us to understand concepts and natural laws, or to memorize various kinds of facts, is a different kind of curiosity from the one needed to learn to understand and appreciate other people. This kind of learning cannot proceed effectively at a distance through the medium of a textbook or a lecture; it requires face-to-face communication between people. Rational learning requires an impersonal curiosity with the emotional drive to learn being only on the side of the learner and not on the side of the data to be mastered. Learning to understand others brings into play their emotionality as well as that of the learner, because the object being learned is also a learner in reverse.

Educational methods in the shaping of attitudes and behaviour have yet to be worked out and we have only inconclusive evidence about an appropriate methodology drawn from experimental studies. We do know that the teaching approach alone does not seem to work; telling people to behave in certain ways either because those are the desirable ways or because they are the best ways for them in the long run does not seem to have appreciably closed the gap between desirable and overt behaviour. The answer probably lies somewhere else; perhaps in bringing together people of diverse cultural, linguistic, religious, racial and socio-economic backgrounds for the purpose of learning to understand and appreciate each other's specific characteristics through some form of interaction and discourse. Perhaps this experience will have to be eventually interpreted and brought to conscious, rational awareness before it has an appreciable effect on our attitudes and behaviour. We also know, from historical evidence that attitudes and consequent behaviour are learned; that there was something in Spartan education of boys that produced the Spartan soldier, that something about the English public school made for the type of persons produced, and for their characteristic behaviour as the administrators of a huge empire, that the Kamikaze learned to be a Kamikaze, that it is something in the culture-transmitting force of the State of Mississippi rather than in the unique bio-physical characteristics of its people that made for the recent events at Oxford, Mississippi.

Emotional Readiness

OUR problem is to identify those conditions which, when built into interpersonal relations, are likely to produce greater awareness and regard for others as against those conditions which tend to breed personal or group arrogance. Our search for promising hypotheses can proceed both historically and experimentally but, however we arrive at our hunches, we must seek out the experimental situations where they can be tested over and over again if we want to learn how to develop that mutuality envisaged in the Ontario Human Rights Code.

The problem is really twofold: how to get ourselves in a state of mental and emotional readiness to experience such learning and how to create the optimum conditions for such learning once people are brought together.

If emotionality, isolation, fear, stifled curiosity and indifference are the real barriers to attitude change, then community action must be devised to deal with them and this will be undoubtedly a more difficult form of action than, for example, the organization of a series of lectures or a reading list. Doctors look for specifics to counteract an infection - bleeding is no longer a general prescription for all ailments. Our problem in dealing with attitudes and behaviour change is of a similar order, though probably much more complex. Yet we must search for specifics if we are to make real headway in this field.

Of the four barriers to the improvement of human relations across cultural and racial lines, indifference seems to be the most difficult to cope with. There are none as deaf as those who will not hear; the most difficult people to teach are those who are indifferent.

★ ★ ★

Stifled Curiosity

INDIFFERENCE towards people of other cultures and races is likely to be the end product of an upbringing which tends to isolate the child from meaningful contact with those whose colour, religion, language or socio-economic status differs from that of the child's family. If this isolation continues into adolescence there is a probability that the resulting attitude will be to regard people who are unlike one's self as either inferior or at best of no concern to one's self. Eventually this form of isolation may even lead to a distrust of people of different backgrounds on the assumption that their very difference is

The Bridge Is Love

"LOVE, not tolerance, is the vital factor in dealing with people. Through love it is possible to remain friends while holding different convictions. Friendship is mutual love in the highest sense and sacrifice is involved in its manifestation. We must be prepared to aid one another until it hurts. The symbol of love, the rose, has a thorn beneath its flower.

On the other hand, those who seek tolerance and lose conviction are on a road which leads to destruction. There is grave danger in the belief that the path to mutual understanding involves the disregarding of differences and the surrendering of

convictions. Tolerance for the conviction of others means reverence for ideas with which we do not agree . . . Tolerance, however, is not something which should be applied to people. I tolerate error and vice, I tolerate the skunk under the porch but I refuse to tolerate people and I do not want them to tolerate me.

I will do my best to build bridges and tear down walls and, while maintaining my objectivity, try to understand the convictions of others."

— Most Rev. Phillip Francis Pocock,
Roman Catholic Coadjutor
Archbishop of Toronto.

*Excerpts from an address at a luncheon sponsored by the
Canadian Council of Christians and Jews.*

threatening to all those things that one holds dear.

In coping with these barriers perhaps the logical place to start is with the stifled curiosity because curiosity is a most enduring human drive which may be stifled but cannot be wholly eradicated.

It is not intended here to suggest a methodology for training in human relations but it is the intention to claim that the implementation of the aims of the Ontario Human Rights Code falls squarely in the area of human relations training.

★ ★ ★

The Inadequacy of Tolerance

WITHOUT involving ourselves in a problem of semantics, there is certainly a difference between the end product that is envisaged through this form of training which is appreciation, understanding and acceptance of difference as against the idea that what is needed is tolerance. The generic meaning of "tolerance" may perhaps be stretched beyond the acceptance of an inevitable evil to some form of live-and-let-live philosophy, but underlying it is the feeling that it would be better if it were not so. Appreciation, understanding and acceptance, on the other hand, sees in the diversity of the human types and backgrounds a rich source for fuller life.

The Province of Ontario has pioneered in legislation to deal with the securing of human rights. The function of law in giving each citizen a sense of equality is obviously well recognized by our government. But some people bank too heavily

on the law. When it has the support of the majority of the people it can deal effectively with demonstrable cases of discrimination. But law cannot deal with discrimination that cannot be proven in a court; and it may only have the effect of making some people more careful in the way they practise discrimination. Nor can it really change a person who suffers from the general disease of prejudice into a person of good-will and understanding. Unless we concentrate enough social energy on the problem of prejudice we shall always have the problem of discrimination in our midst.

★ ★ ★

The Interplay of Ideas

NEW economic skills, new artistic creativity, new social, political, philosophical and even religious concepts often have their origin in the interplay between several established practices, forms of expression or ideas that come in contact and interact with one another. If our social climate becomes the kind envisaged in the Human Rights Code, if we welcome differences as a challenge and an opportunity to create new skills and new ideas, if we encourage a talent to develop and manifest itself in its unique ways without being unduly shaped in preconceived moulds, if we do not allow ourselves to be wanting in human sympathy through prejudice and discrimination and narrow preconceptions, we can do justice to the men who presided at the birth of this nation as well as to the human potential that makes up the people of Canada.

LETTERS

Clergyman Expresses Dissatisfaction With Housing Section of Code

WITH regards to the Human Rights Code I would like to ask the following:

(1) Are rooming and boarding houses not covered by the existing code? If not, why not?

(2) Why must an apartment building have more than six units to come under the code? By my interpretation I could discriminate should I own apartment blocks with six or less units.

(3) Part 1 - 4 (4) (c). This section does not apply to an employer who employs fewer than five employees. Why?

I would appreciate receiving answers to my questions, as at present the Ontario Human Rights Code stands as an insult to our government, more especially the members of the Commission. To be quite honest, my first impression was to ask which members of the commission own small businesses and small apartment blocks.*

(Rev.) M. H. Dunnill

All Saints Rectory
White River, Ont.

★ ★ ★

*Explanatory Note:

Rooming and boarding houses, together with apartment buildings having fewer than six units, are not covered by the present Ontario Human Rights Code.

When the Prime Minister of the day introduced the legislation in the Assembly two years ago, he explained that the Government sought only to make the law apply in the area of "public policy". While condemning and deploring discrimination wherever it appeared, he did not feel that the law should invade or interfere with private arrangements between private citizens. It was for this reason that employers with fewer than five employees were exempted from earlier legislation.

Nevertheless, because the Code is a reflection of the community conscience, those who take advantage of its limiting provisions to deprive their fellow citizen of his dignity and rights will certainly be violating the spirit of the law and will invite no less condemnation than those who offend against its letter.

-The Editor

★ ★ ★

Happy Ending

MY family and I are happy to know that your organization is doing such wonderful work to overcome discrimination.

I would like to tell you more about our vacation in Ontario. My family and I are all lovers of fishing. One day at work I was talking to a white friend who spent a wonderful week's vacation in your Province and that is when we decided that Ontario was the ideal fishing spot for us. We wrote to many places and received warm welcomes from all of them. Then we opened one of the letters that welcomed us but it stated "positively no coloured people please". This was shocking to us because we thought there was no discrimination in Canada and that is when we realized that we should have stated in our letters that we were Negroes. Instead of writing, we thought we would call by phone but every request for accommodation was turned down when we told them we were Negroes. After we had spent over \$30.00 in long-distance calls, we almost gave up hope of ever spending a vacation in Ontario but we decided to make one more try and this time we were successful.

During our trip through Ontario we experienced no discrimination of any kind. The week spent there was delightful and the most exciting in our lives. We enjoyed plenty of good fishing, swimming, boating and many other sports as well as the warm hospitality of everyone.

Forrest Leach

Pittsburgh, Pa.

★ ★ ★

Visitor's Impression

LAST Winter I spent some time in several of our Southern states and witnessed at first hand the tragic consequences of racial discrimination. It was a frightening and heartbreaking experience to see a community of fellow Americans being torn asunder and hear the shrill cries of hate that filled the air. Against that background, perhaps you will be able to understand how I felt while vacationing in your country to

Hospitality

My wife and I have just returned from a holiday in your wonderful Province of Ontario. We visited in Kenora and it was there that we saw your Ontario Human Rights Code. We would be truly delighted if you could send us a copy of this creed. We are American Negroes and I am sure you must realize how much this meant to us to be treated with such wonderful hospitality.

Howard D. Chapman
Chicago, Illinois.

find posted in my motel room, a small card with the heading "Ontario Human Rights Code". Beneath it I read: "It is public policy in Ontario that every person is free and equal in dignity and rights regardless of race, creed, colour etc." I thought to myself, what a contrast! Of course I realized that words are not always wedded to deeds and that what is professed is not always carried out into daily living. No doubt one would find that the perpetrator of racial violence in Alabama would stoutly insist that he believed in the "Golden Rule".

But I was assured by the proprietor of the motel, and with earnestness, that he had placed the Human Rights Code in his rooms of his own free will and that he would never think of denying accommodation to anyone on grounds of race or colour.

I did want you to know that the experience gave me hope that one day that same spirit will animate our Southern communities. That I am certain is the wish of our President and the overwhelming majority of my countrymen.

Francis Sherman.

Cleveland, Ohio.

HUMAN RELATIONS

Vol. 3 - December, 1962 - No. 6

Published by the Ontario
Human Rights Commission
Department of Labour

8 York Street, Toronto

Hon. H. LESLIE ROWNTREE
Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary

Dr. DANIEL G. HILL, Director

Joyce Applebaum,

Gordon Greenaway,

J. F. Nutland, Members.

Address all correspondence to:
Ontario Human Rights Commission,
8 York Street,
Toronto.

Labour Minister Leslie Rowntree Pays Tribute to Work of Louis Fine

LESLIE ROWNTREE, Ontario's new Minister of Labour, had warm words of praise for Louis Fine, in his dual role of Chairman of the Ontario Human Rights Commission and the Province's Chief Conciliation

cer. Fully share the view that Mr. Fine without doubt the best referee that ever stepped into the ring and there is over 27 years of outstanding performance to back it up" Mr. Rowntree said. "I doubt if any other man in Canadian public service has had a greater impact on Labour-Management relations than Louis Fine. He has certainly earned the title of 'Mr. Conciliation' and, in doing so, has held the respect and admiration of both sides in the many disputes he has handled during the past quarter century. That is why he is so admirably equipped to lead the work of the Ontario Human Rights Commission."

Mr. Rowntree said he was looking forward to his own association with the Commission and continued: "The warm response to the recent letter survey among the employers of the province

(reported elsewhere in this issue) is convincing evidence that the Human Rights Code is winning wide acceptance and is rapidly becoming the firm basis of our employment practices. There is also a growing realization that the Code is much more than an instrument for the protection of minorities. As Premier Robarts has said it has a two-fold aim. First, 'to make secure in law the inalienable rights of every citizen,' the second — and equally as important — 'to create a climate of understanding and mutual respect among our people so as to ensure that equality of opportunity which will make it possible for each to contribute his maximum to the enrichment of the whole community'. In short to bring about those conditions which will enable all our people to work together in a great united effort for the advancement of common good. I realize that this is hardly a new concept, but I sometimes think we lag behind in our community relations because we forget the old lessons."



ONTARIO FLASHBACK

IN 1857, Toronto's Negroes found themselves engaged in a series of mass meetings to protest derogatory remarks made about the Negro community by Colonel J. Prince, Member of the Legislative Council. Among other things, Colonel Prince was quoted as saying:

"Of the coloured citizens of Toronto I know little or nothing; no doubt some are respectful enough in their way, and perform the inferior duties belonging to their station tolerably well . . . I believe that in this city as in some others of our Province, they are looked upon as necessary evils, and only submitted to because white servants are so scarce. But I now deal with these fellows as a body and I pronounce them to be as such the Greatest CURSE ever inflicted upon the two magnificent western countries which I have the honour to represent in the legislative council of this Province . . . It has been my misfortune and the misfortune of my family to live among these blacks (and they have lived upon us) for twenty-four years."

This statement caused other Toronto papers, *The Colonist* and the *Toronto Times*, to comment at length condemning Colonel Prince for his remarks. Quoting from an investigation of criminality among local Negroes made by the *Toronto Times*, the *Provincial Freeman* later carried the following comment:

We refuse, positively, the communications made on the subject. The coloured people of Toronto are an example in point of industry, sobriety and morality, to their white neighbours.

Out of 5,346 persons committed to Toronto jail last year, 5,268 were white men and women. Out of 1,057 ladies so committed, only 8 were coloured.

We judge people by their conduct, not by their colour.

From the *PROVINCIAL FREEMAN*, March 25, 1854

Eleanor Roosevelt

1884 - 1962



HUMANITY mourns the passing of Eleanor Roosevelt, who served for five years as Chairman of the United Nations Commission on Human Rights, to which she often referred as "My most important task".

Mrs. Roosevelt was one of the chief authors of The Universal Declaration of Human Rights, and to the end of her life, remained one of its most tireless advocates.

She was by instinct a woman of great nobility. The world was her country, service to humanity her creed, and the universal community was made richer by her presence.

Sid Blum Appointed To Hamilton Post

SID BLUM, for many years associate secretary of the Canadian Labour Congress Committee on Human Rights, has resigned from that position to become a staff member of the Hamilton Social Planning Council. He will also lecture at McMaster University.

Mr. Blum is widely known throughout Canada as one of the earliest and most persistent advocates of human rights legislation. A man of outstanding dynamism, he has never been satisfied with the mere presence of such legislation on the statute books and has been unrelenting in his effort to make certain that the laws are really effective in combatting discrimination.

Mr. Blum has always been a warm supporter of the Ontario Human Rights Commission and an active and valued collaborator in its educational work.

The Bulletin joins with his many friends in wishing Mr. Blum great success in his new field of endeavour.

By **DANIEL G. HILL**

Thirty-two Discrimination Complaints Investigated By Human Rights Commission

FIVE busy and fruitful months have elapsed since my appointment as Director of the Ontario Human Rights Commission. During that time the Commission's three point program of conciliation, education and research has been actively implemented in over 16 cities in Ontario.

The conciliation program, particularly, has been expanded and a number of cases of alleged discrimination in employment and housing in which we did not have direct jurisdiction were, nevertheless, successfully conciliated through the educational services of the Commission. For example, a landlord renting private homes in Toronto served an eviction notice on a Negro family claiming that he was under neighbourhood pressure to "get rid of coloured tenants". Although private homes are not covered by the Code, a voluntary organization representing the family sought the Commission's assistance. The case was informally conciliated and the family remained in the home.

★ ★ ★

MANY meetings were also held with the University of Toronto and McMaster University Student Housing Services in which no discrimination policies were re-inforced and educational programs started to change the policies of those landlords who refused to rent to foreign students.

However, most of our housing cases involved apartments in the Windsor and Toronto areas. The Commission's first apartment house case under the Code occurred in June when a coloured woman, formerly denied an apartment on Toronto's Lakeshore, secured accommodation after a one-hour interview with the managers of the building. The most recent settlement took place when a Chinese family, alleging discrimination in a Scarborough apartment, were offered the next three-bedroom vacancy.

Effective settlements have also been reached with a beauty salon in Toronto, several manufacturers in Ottawa, a Tavern in the Windsor area and numerous firms involved in using illegal employment application forms. In all, over 32 different cases have been handled by the Commission since the Code came into existence.

"A person who is going to commit an inhuman act invariably excuses himself by saying 'I'm only human after all' "

— Sydney Harris

THE interest displayed across the province in the Commission and the Human Rights Code has kept our education program moving at a lively pace. The Director has made approximately 20 public appearances since June — including numerous speeches as well as Television and Radio appearances. Furthermore, the Commission actively participated in many out of town conferences including:

The Ontario Welfare Council's Conference on "Heritage and Destiny" at Port Elgin, August 26-31, 1962.

The Canadian Chinese Association Conference at Lake Couchiching, Aug. 8, 1962.

The Annual Conference of The Amherstburg Baptist Association's meeting in Windsor, August 10-11, 1962.

The Windsor Labour Council's two-day meeting on Human Rights, September 29-30, 1962.

Perhaps the most gratifying educational effort to date has been our recent liaison with voluntary groups in Windsor, River Canard and Smiths Falls in which each group has asked the Commission to assist in establishing Human Rights programs in their respective communities.

★ ★ ★

THE Commission's research interests have already been discussed in another part of the bulletin. However, the Commission recently took the forward step of assuring an on-going research program by deciding to allot a fixed portion of each year's budget to exploratory studies in the field of discrimination and prejudice. Preliminary discussions have already been held with social scientists at University of Windsor and McMaster University to discuss the kinds of projects which will help the Commission realize its goal of eliminating discrimination.

FOR YOUR INFORMATION

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

★ ★ ★

PUBLICATIONS AVAILABLE:

HUMAN RIGHTS ARE IN YOUR HANDS

A 16-page pamphlet giving the background of the Ontario Human Rights Code.

★ ★ ★

THE ONTARIO HUMAN RIGHTS CODE

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario.

★ ★ ★

HUMAN RIGHTS FILMS

A complete list of 16 M.M. films available from the National Film Board and other agencies.

★ ★ ★

BOOKS WORTH READING

A comprehensive list of books dealing with many aspects of the struggle for human rights, prepared by the Hamilton Public Library.

★ ★ ★

Address requests to:

Ontario Human Rights Commission,
8 York Street,
Toronto - Ontario

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

May-June, 1963

No. 7

Common Sense Brings Agreement

THROUGH the efforts of Cecil A. Wright, Dean of the University of Toronto Law School, a four-point settlement has been reached in a case of alleged apartment house discrimination involving B. Tie Khouw and the Wonsch Construction Company Limited of Windsor. Mr. Khouw, an Indonesian student, had filed two complaints with the Ontario Human Rights Commission alleging that he had been denied accommodation and discriminated against on the basis of his colour in Rosedale Manor Apartments and Cloverdale Manor Apartments. Both buildings are owned and operated by the Wonsch Construction Company Limited, and Wonsch, President.

Dean Wright had been appointed to conduct a public hearing into the matter in consultation with the two lawyers, Charles L. Dubin, Q.C. for the Ontario Human Rights Commission, and Charles Clarke, Q.C. for the Wonsch Construction Company Limited. In letters read in the presence of both lawyers, Wonsch agreed to the following:

- (1) A public, unreserved apology to Mr. Khouw for the denial of an apartment because of his colour and the offer of the first available apartment in either building at the same rent and subject to the same conditions as offered to any other tenant.
- (2) Assurance to the Ontario Human Rights Commission of full compliance with the provisions of the Ontario Human Rights Code in future rental of any apartment owned by the Wonsch Construction Company Limited.
- (3) The posting of the Ontario Human Rights Code in a conspicuous place in Rosedale Manor and Cloverdale Manor Apartments owned by the Wonsch Construction Company Limited.
- (4) Instructions to the superintendents of Rosedale Manor and Cloverdale Manor to post the Ontario Human Rights Code and to comply fully with its provisions.

Satisfaction was expressed by Dean Wright as well as by the counsel for both the Ontario Human Rights

Commission and the Wonsch Construction Company Limited at the manner in which the case had been settled.

All parties were gratified with the change of policy of the Wonsch Construction Company and with their avowed intention henceforth to comply with the provisions of the Code.



Mr. Wright

A DAY TO REMEMBER

THE signing of the Magna Carta on June fifteenth, 1215, is regarded by free men as one of the most memorable events in human history.

When, on that day, the despotic King John surrendered to the demands of the barons in the great meadow at Runnymede, the lamp of liberty was lit, not just for the inhabitants of a single island, but for all the people — everywhere in the world. And if down through the succeeding centuries that lamp has sometimes burned low, its light has never been extinguished.



There came into being in 1215 a fundamental principle which even a king was not permitted to violate. And whenever the State, in the words of Sir Winston Churchill, — "swollen with its own authority has attempted to ride rough shod over the rights and liberties of the people it is to the doctrine of the Magna Carta that appeal has again and again been made, and never, as yet, without success".

The lofty concepts which have developed from the Charter have given birth to those great institutions of government and of justice which are the world's best hope and which find their fullest expression in the Universal Declaration of Human Rights.

★ ★ ★

THE public policy of Ontario, which proclaims that human rights are indivisible; that every person is free and equal in dignity and rights regardless of race, creed, colour, nationality, ancestry or place of origin, likewise finds its source and inspiration on the parchment scroll signed in an open field in England over seven centuries ago.

It was once a wise decision and characteristic of the man, that our former Lieutenant Governor, himself a staunch champion of liberty, chose June 15, 1962 as the appropriate date on which to proclaim the Ontario Human Rights Code.

It is my sincere hope that on this double anniversary, the people of Ontario, through their municipal government, churches, schools, community organizations and all communications media will, on June 15th, in whatever manner they deem appropriate, give fitting observance to the anniversary of a great turning point in the quest for liberty, which coincides with a most significant milestone in the life of our own community.

And as we cherish and safeguard those liberties, won for us throughout the struggles and great sacrifices of many generations, let us never fail to acknowledge the duty that accompanies every right. "The reward of one duty done is the power to fulfill another."

John P. Robarts
Prime Minister of Ontario

BLACK AND WHITE DOLLARS

Reprinted from the Cobourg Sentinel-Star

THE methods employed by the Labor Committee For Human Rights to secure dubious evidence of racial discrimination in Ontario are under question. This organization used a clandestine method last year to spy on tourist operators.

Classified advertisements seeking tourist accommodation were placed by the Labor Committee in Toronto newspapers. When replies to the box numbers were received, the Committee personnel were instructed to write to 106 addresses. Two sets of letters were used, both to each resort; one letter stated, in part "my wife and I, a young negro couple, would like accommodation at your resort during the last week of July and the first week of August"; there was no mention of race and color in the second letter to the same address.

★ ★ ★

WHEN some resort owners did not reply to the 'color' letter, suspicion was attached to their operations. They were marked for investigation this year by the Labor Committee For Human Rights.

The 'Human' committee used these tactics . . . Two colored folk would apply at the selected resort, arranging a special rendezvous with a white couple. If the negroes were accepted or refused, in either case, they would return to the rendezvous. Within five minutes the white couple would apply for accommodation. If admitted to the camp they would make an excuse that they would register later, returning to report to the colored couple. There was no previous intention to stay. That evening the whites and blacks returned to Toronto.

It's a fair method they say, with pseudo words.

They call it a TEST CASE.

If the proponents claim there was racial discrimination in evidence at X camp, the next move is by the Labor Committee For Human Rights (Toronto and District) to arrange with its solicitor, Alan Borovoy, To-

ronto, to lodge a complaint with the Ontario Human Rights Commission against X operator.

A Board of Enquiry may follow in which an innocent tourist camp operator may be branded for life, with business shot to pieces figuratively in the style of the old Chicago gangland, abetted by informers. This TEST CASE method, of course, along with TV westerns, and murder fare, is borrowed from the good old U.S.A.

★ ★ ★

In 1951, the Fair Employment Practices Act was passed in Ontario. In 1954, the Fair Accommodations Practices Act was approved to govern tourist resorts. The Ontario Human Rights Commission Act was made law in 1959. During the latest session of the Ontario Legislature all of these acts were incorporated in one act termed THE ONTARIO HUMAN RIGHTS CODE. Under provincial government auspices this code is administered by the Ontario Human Rights Commission.

Code is a good word.

Code implies conduct, honest conduct; above board conduct; conduct removed entirely from the least suspicion of shady character.

The tests made by the labor group are dishonest because the applicants for lodging had no intention of accepting accommodation. Has not the law something to say in the case of an admission to false pretense?

★ ★ ★

There is personal concern here, too, for the overworked operator of the summer resort. Should valuable time be usurped?—his is a very brief season to finance his yearly keep.

Is it not contemptuous to try by guile to prove racial discrimination? Is not the TEST CASE method unworthy of Canadians and far removed from the tenets of a fair and desirable Bill of Rights?

The theory in the plush office of the Toronto operative is that ALL tourist operators should answer ALL

letters. They don't. They can't. They haven't time. What has racial discrimination to do with a short staff and only two pairs of hands?

If there is the germ of racial discrimination in any Ontario resort camp, it is not locally engendered. The United States' white-man tourist would dictate policy to the Ontario operator. He says he will not stay at a white-black camp. If the operator would make a decision against the black dollar for the white dollars, it would be a business decision, not the demarcation of a color line.

Let the Ontario Government then accept this responsibility where it rightly belongs. We suggest that all white and colored tourists from the south (there are some colored folk who are segregationists, too) at point of entry be advised by sign that they will be denied admission to Ontario if they demand exclusive white or colored accommodation.

Integration should begin at our borders.

★ ★ ★

Racial discrimination is an inherited United States tradition, fathered by Merrie Olde England, but never fostered in Ontario.

One recalls that Jackie Robinson, first negro to be accepted in Major League Baseball, was welcomed with open arms first in Toronto and Montreal, homes of the International League; but on Jackie's first trip to Louisville, Kentucky, with his white teammates from Montreal, he was denied accommodation in the same hotel.

Not one tourist operator in Ontario would object to an ALL-COLOR accommodation law. Perhaps we might lose some vaunted U.S. business for an interlude but we'd be a haven for people the world over.

Underground TEST CASES smelting of the lower form of Americanism are a smear upon the cardinal majesty of our wondrous Ontario lakes and countryside.

This is a good land for all, white, yellow, black, or brown.

No color bar is native to our homeland Ontario. We are as close to One World here as anywhere on earth.

DISSENTING OPINION

By A. ALAN BOROVoy

The Cobourg Sentinel-Star has accused the Labour Committee for Human Rights of securing "dubious evidence", resorting to "clandestine method", employing the "style of the old Chicago gangland", and committing "false pretence".

Because we conducted a survey of the admissions policies of the various tourist resorts in Ontario. In order to conduct the survey, we asked Negro and White testers to pretend an interest in securing accommodations. The Negroes go first. If they are told that the place is full, the Whites go shortly afterwards. On the basis of comparative treatment, we draw inferences regarding the establishment's racial policy.

Admittedly, the testers lie. Admittedly, they have no intention of securing accommodations. Our sole intention is to determine whether Negroes will receive the same treatment as Whites.

For this, the Cobourg Sentinel-Star attacks us. What would this newspaper do? Perhaps it would be more "honest" to ask tourist operators whether they would accept Negroes. Perhaps, it would be more "honest" for police to identify themselves with declarations from convicted murderers, robbers, thieves, dope peddlars. Perhaps government inspectors should never test retail outlets for compliance with government food and drug regulations. Perhaps companies should never employ spotters and detectives to determine the integrity of their employees and customers. Perhaps they could be more "honest" for us all to try to trust each other's word.

Unfortunately, those who violate the law rarely pay us the courtesy of broadcasting their violations. This may be due to the Cobourg Sentinel-Star but not to the law usually try to conceal their delinquency. ✓

Would the Cobourg Sentinel-Star prefer that violators of the Human Rights Code go unpunished? Or should we merely wait for a "real" case? Unfortunately members of minority groups prefer to suffer their humiliation silently rather than protest openly. However, since the discriminator tries

EDITOR'S NOTE

ON the opposite page we have reproduced an editorial from the Cobourg Sentinel-Star which takes strong exception to the methods employed by the Labour Committee for Human Rights in carrying out its "survey tests". In the interests of lively controversy and public discussion we invited Alan A. Borovoy, executive secretary of the Committee, to give our readers his point of view.

— Ed.

to conceal his motives, the victim is often unable to prove his case.

Test cases are set up in the interests of documented proof. They enable us to arrange the evidence in such a way that we can be more certain of our position. If an establishment is practising discrimination we can resort to the law in order to correct it. If an establishment is not practising discrimination, we can declare its innocence, so that it will not be subjected to false accusations. (In the summer of 1961 we assisted Pierre Berton, the Toronto Star columnist, in his publication of a column lauding those tourist operators who were complying with the law.)

In other words, the test case helps us adopt a responsible approach in the race relations field. It helps us eliminate the rumor, the myth, the unfair charge. We confine our activity to documented evidence. What difference does it make whether a case is real or "put-up"? The important consideration is whether or not the establishment concerned is guilty of discrimination.

INTERESTINGLY enough the Cobourg Sentinel-Star did not seem unduly concerned about the issue of the operator's guilt or innocence. There is only one remark about this subject:

"... an innocent tourist camp operator may be branded for life ..."

It is, of course, far less likely that innocence will be branded when you go to the trouble of conducting systematic

tests than when you don't take such trouble. Moreover, this editorial was provoked by our investigation of discrimination at a Camp in which there was substantial evidence that the attendant was in fact *guilty*. The evidence was so substantial that Judge Thomas recommended a prosecution in the criminal courts. This was followed by a public apology to the complainants in which the attendant acknowledged her responsibility for what had happened.

Thus, I ask: Who is the "innocent" who will be branded for life? Certainly not anyone in the case under review. Test cases are designed precisely to avoid branding the innocent. They are designed to disclose the *facts* so that innocence will be acknowledged and only guilt will be branded.

One final fallacy. The editorial seems to excuse the discriminatory tourist operator because he is subjected to American business pressures.

"... if the operator would make a decision against the black dollar for the white dollar, it would be a business decision, not the demarcation of a colour line".

This is the old "brotherhood fallacy." What you *do* is not as important as what you *feel*. As long as you do not *dislike* Negroes, you may *reject* them.

WOULD "business decision" also allow a business man to cheat, a doctor to commit abortion, a lawyer to violate his professional ethics? Virtually every time they are tempted to violate our law and morality, the temptation is based on business considerations. What are the limits of this "business" morality? Does "business decision" justify inflicting racial indignity on a human being?

How about the great majority of tourist operators who gladly *obey* the Human Rights Code regardless of U.S. tourist pressures? Are they not also entitled to a claim on our sympathies? The failure to punish those who violate the Code works a hardship on those who obey.

This editorial ends with a reminder that colour discrimination has no place in Ontario, that "we are as close to One World here as anywhere on earth". With this statement I agree. We have made great strides in human relations in Ontario. Thanks to the Ontario Human Rights Code and thanks to the common sense of most of our people. But no thanks to the intellectual confusion of the Cobourg Sentinel-Star.

Community Organizations Confer With Human Rights Commission

A CONFERENCE of professional persons representing voluntary agencies active in the human rights or inter-group relations field in the Toronto area was convened recently by the Ontario Human Rights Commission.

The purpose of the gathering was to provide an opportunity for an exchange of experience, programs and ideas with the Commission. The following organizations sent representatives: the Association for Civil Liberties; the Canadian Association for Adult Education; the Diocesan Council for Social Service of the Anglican Church; the Indian-Eskimo Association of Canada; the International Institute of Metropolitan Toronto; the Joint Community Relations Committee of the Canadian Jewish Congress; the Ontario Welfare Council; the Italian Community Promotion Centre (C.O.S.T.I.); the Toronto and District Labour Committee for Human Rights; the Y.W.C.A. of Canada. The guest speaker was G. R. Carroll, Chief Officer of the Fair Employment Practices Division of the Canadian Department of Labour; G. P. Allen, Senior Liaison Officer of the Canadian Citizenship Branch attended as an observer. The Commission was represented by Thomas M. Eberlee, Assistant Deputy Minister of the Ontario Department of Labour and Commission Secretary.

★ ★ ★

THE first part of the conference was devoted to a consideration of the Ontario Human Rights Code and the work of the Commission—its responsibilities in the administration of the Code; its achievements in the processes of conciliation and enforcement; a review of the Commission's educational program to date and an outline of its plans for future educational activity.

The second part of the conference was given over to presentations by the agency representatives concerning their programs and publications in the area of human relations and their recommendations to the Commission. A good deal of valuable information was forthcoming from this session regarding the problems of several ethnic groups such as Indians, West Indians, immigrants—particularly Portuguese and Italian immigrants—and the work being done by a number of organizations in trying to meet some of these problems. Mrs. J. Bennich from the Ontario Welfare Council described the Conference on Inter-Group Relations held at Port Elgin, Ontario, last summer and discussed plans for the 1963 conference in which the Human Rights Com-

mission will participate. Alan Borovoy of the Toronto & District Labour Committee for Human Rights pressed for a conference of apartment house owners in conjunction with the section of the Code prohibiting discrimination in multiple housing. He also expressed the need for amendments to the Code to include the commercial sale and leasing of real estate, and to cover public educational institutions. Irving Himel of the Association for Civil Liberties made several suggestions regarding the structure of the Commission. He recommended that the Commission establish a Citizens Advisory Committee which would assist the Commission in extending its activities throughout the province.

★ ★ ★

DURING dinner, G. R. Carroll, Chief Officer of the Fair Employment Practices Division of the Canadian Department of Labour, outlined federal anti-discrimination legislation. The federal Fair Employment Practices Act is one of seven pieces which have a bearing on Human Rights. The others are:

the Unemployment Insurance Act; Female Employees Equal Pay Act; Fair Wages Policy of the Government of Canada; the Canadian Bill of Rights; the Technical and Vocational Training Assistance Act; and the Vocational Rehabilitation of Disabled Persons. Carroll concluded his remarks by emphasizing that organizations such as these have an important role to play in co-operation with government in the effective administration of legislation relating to human rights.

★ ★ ★

IT was generally agreed that the meeting served a useful purpose in helping the various agencies present to become more familiar with the actual program and plans of the Commission and, in turn, in helping the Commission become better acquainted with both personnel and the activities of these organizations. The conference also served to point up some of the problem areas in which there might be fruitful operation between the Commission and the agencies.

From the Commission's point of view the gathering achieved one of its purposes — to strengthen and extend relationship with community organizations active in or concerned with human rights and inter-group relations. This was seen as an important aspect of the Commission's educational program which attempts to reach all facets of community life in the Province.

Wells Report on Rabbi Leiner Arrest Of Importance To All Citizens, Says Cass

THE report of Mr. Justice Wells on the arrest and detention of Rabbi Norbert Leiner by the Toronto Metropolitan Police force, should be a matter of concern to all citizens of the province, in the view of Attorney General F. M. Cass.

In a letter accompanying the report, sent to all Mayors and Reeves and Chief Constables throughout Ontario Mr. Cass said:



F. M. Cass

"While the incident in question is, in a sense, a local matter, I do feel that its implications are province-wide, for the individual citizen no less than for the law enforcement officer.

"I think too, that it does us all good to be reminded from time to time,

that our free society is based upon respect for the individual and the safeguarding of his dignity and inalienable rights.

"As Premier Robarts emphasized in a recent address, we should all accept the obligations set out in our own Ontario Human Rights Code—'Not because the law requires it, but because truly enlightened social behaviour demands it'."

The Commission has received a number of copies of the Wells' Report and will be pleased to make them available to "Human Relations" readers on request.

ONTARIO FLASHBACK

'The Monstrous Iniquity'

OF HUMAN BONDAGE

ONTARIO has a rich tradition in the struggle for human rights, dating back to our first Legislative Assembly, which met at Newark (now Niagara-on-the Lake) on September 17, 1792 and passed Canada's first slavery law.

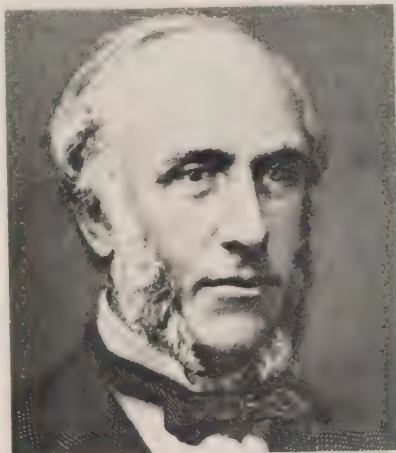
In the 1860's, Ontario provided a way of freedom for runaway slaves, many of our leading public men strong supporters of the abolitionist movement. Foremost among them was George Brown, publisher of the *Globe*, who later became one of the chief architects of Confederation.

We reproduce in these pages the text of a notable speech delivered by Mr. Brown to the Toronto Anti Slavery Association just over a century ago (March 1852), when the publisher was 34 years of age.

Before delivering his address Mr. Brown had moved the following resolution: "That while we would gratefully acknowledge our thanks to those clergymen and others in the United States who have so nobly exposed the atrocities of the Fugitive Slave Law, we deplore the interference of some and the unrighteous oblateness of others, whose duty it is to indicate the gospel of Christ from the dispensations of those who represent it as a shield for cruelty and injustice." The address is reprinted from "The Speeches of George Brown," by Alexander MacKenzie, second Prime Minister of Canada.

★ ★ ★

GEORGE BROWN said: I recollect when I was a very young man, I used to think that if I had ever to speak before an audience as this, I would choose to speak on slavery as my theme, in preference to any other topic. These thoughts were far from here, while slavery was a thing at a distance, while the horrors of the system were unrealized, while the subject received it as a tale and discussed as a principle. But when you have grappled with the thing itself; when you have encountered the atrocities of the system; when you have seen three millions of human beings held as chattels by their Christian countrymen; when you have seen the free institutions, the press, and the free pulpit of America engaged in the unrighteous task of upholding the traffic; when you have realized the manacle, and the lash, and the slot-and, the mind stands appalled at the



George Brown

monstrous iniquity; mere words lose their meaning; and facts, cold facts, are felt to be the only fit arguments. I am to speak of the Fugitive Slave Bill of 1851, and if we search the statute books of the world, I know not where we shall find its parallel. Every one knows how this bill came into existence. The slaves of the south were daily escaping into the northern states, and once there, they were almost beyond reach of their masters. True, there was a law usually constructed to enable the slave-holder to recover his *property* in any part of the union; but it had to be effected by due process of law, and public feeling in the north was rapidly becoming sensitive to the degradation of permitting the slave-catcher to drag men into life bondage from the farms of the north. A party had also arisen calling themselves free-soilers, who took up the position that the slave-holders had no right to follow the refugee into the free states, that the moment a slave put his foot on the free north, his shackles fell from his limbs. They said to the south, we respect your state rights, but you must respect ours; you may keep slavery on your own grounds, but you must not bring it here. It was a bold movement and a noble one, and had it been firmly carried out throughout the northern states, slavery would soon have fallen before it.

But the south was aroused; the "pecu-

liar institution" was in danger, the cotton interest in the north was alarmed; new and more stringent laws for the protection of the slave-owner and in aid of the slave-catcher were demanded from congress, under the penalty of a disruption of the union. Northern merchants quailed before the ire of the south, dough-face politicians trembled for their party alliances, aspirants for the presidency pandered for southern votes; and the Fugitive Slave Bill was passed as a "compromise measure," to the lasting disgrace of republican America.

★ ★ ★

LET me recite the provisions of this infamous enactment. In the first place, it enabled the slave-holder or his agent to seize his "chattel" wherever he found him, *without any warrant*. You cannot arrest a criminal of the deepest dye without a warrant, but a man who is guilty of no crime but his colour can be seized at any moment without any form of law. In the next place, this law forbids the freeman of the north from showing charity to the refugee. Any one knowingly aiding a fugitive slave is subjected to a fine of \$1,000 and six months' imprisonment in the common gaol, and to a civil suit for damages of \$1,000. What a mockery of liberty! Punish a man as a criminal, in the American republic, because he sympathizes with the bondsman and helps him to be free!

Another remarkable feature of this bill is, that the carrying out of its provisions was taken from the state authority and handed over to the federal officers. The slave-holders felt that their only safety was in placing the trust in the hands of men looking to Washington for their orders. The United States marshals were made the chief man-catchers of their respective districts—the United States commissioners the judges in all cases arising under the bill. And these functionaries are bound by the severest penalties to carry out the law. The marshal is made personally responsible in the sum of \$1,000 for the escape of any slave committed to his care, however efficiently he may have acted. In all other cases, civil or criminal, sheriffs and other public officers are only held responsible for their fidelity and diligence; it was left for the Fugitive Bill to punish a man for that which he did not do and could not avert.

Then, again, the bill compels the free northerners to turn out at the bidding of any southern miscreant who claims a coloured person for his property, and to aid in hunting him down like a beast of prey, and send him back to bondage.

(Continued on Page 6)

"Monstrous Iniquity"

(Continued from Page 5)

Let not northerners speak of their *free* states after this; they have no free states. Theirs is the most degrading of slavery. Professing to abjure the atrocious system, for the sake of their dollars they permit the south to put its insulting foot upon their necks, they allow their free homesteads to be made the hunting ground of the manstealer. The bold villainy of the south is not half so revolting as the despicable subserviency of the north. But another provision of the Fugitive Bill is, that it suspends the *habeas corpus*, not towards all fugitives, but in regard to all men *claimed* as fugitives, be they bond or free, and it forbids them the right of trial by jury. Certain commissioners are named the judges, and they must decide "summarily."

★ ★ ★

LET it be well understood that the boasted institutions of the United States demand the greatest care and ceremony about the ownership of a horse or cow, but make the fate of a human being a matter of "summary" decision; that there is far more difficulty in sending a hog to its sty than in tearing a man, unsuspected of crime, from the home of his children and making him a slave for life. But even a worse feature of the bill is, that the witnesses are not required to be put into the witness-box in open court and cross-examined, so that perjury may be discovered; this would be necessary in the pettiest suit for dollars, but for the enslaving of a man the proceedings may be held in the privacy of a commissioner's room, and the issue may be decided on paper affidavits, taken *ex parte*, thousands of miles away. Nay, more than this, not content with securing every facility for catching the poor stricken fugitive; not content with selecting the most sure tools to carry out the law; not content with setting aside every legal and constitutional protection for individual rights, this infamous bill absolutely provides, as far as the law can provide, for a decision favourable to the man-catcher. The southerners knew the weak point of the north, and they appealed to it; they knew the class of men who were to be the commissioners, and they provided that when one of these functionaries decided for the slave he should get a fee of \$5, but when he decided for the slaveholder he should have \$10. Could legislation be more infamous than this! And the best of all is, that the expenses of the slave-catching operation come from the public treasury. In the recovery of

things—ay, even in the defence of personal rights secured by law—the suitor must pay the costs; but the model republic stands so firmly for human bondage that for it there is an exception, and the slave-holder's victim may be taken to his place of torture at the public cost. Free northerners are made man-catchers, northern laws are suspended, northern judges are bribed to convict at five dol-

Anti-Slavery Anniversary.

THE ANTI-SLAVERY SOCIETY OF CANADA, propose holding their *FIRST ANNUAL MEETING*, On WEDNESDAY EVENING, the 24th instant.

IN THE

ST. LAWRENCE HALL.

A Report of the year's proceedings will be read, and Addresses delivered by Gentlemen from the United States, and by others. Officers will be elected for the succeeding year.

A collection will be taken during the evening, in aid of the funds of the Society.

Chair to be taken at half-past Six o'clock.

M. WILLIS, D.D., President,
T. HENNING, Cor. Secretary,

Toronto, 16th March, 1852.

810-10

The modest advertisement shown above appeared in the *Toronto Globe* on March 16, 1852.

Although George Brown was the feature speaker at the meeting, it will be noted that his name does not appear.

The *Globe* of March 25th, 1852, carried an extended account of the meeting but made no mention of the name or of the speech by its publisher which is reprinted in these pages.

lars a man, northern marshalls are made slave-gaolers, northern constables carry home the victim, and northern taxation pays the cost of the process. Did the true spirit of liberty exist an enactment such as this would be laughed to scorn, and an attempt to carry it out rouse a feeling at the north which would shake the foundations of the "peculiar institution." In the House of Representatives, which adopted it, there were 141 northern members and only 91 from the south. There was a sufficient number of absentees, of skulking voters on the final division to have upset the bill. And the assent of the first branch of the legislature was given to it by a northern president, by a citizen of Buffalo.

★ ★ ★

BUT let me speak of the fruits of the bill. Scarcely had it passed when the south was awake; affidavits were duly prepared, and the man-thief on the track of the fugitive. Advertisements for runaways were widely published. Let

me read you a sample. [Mr. E here read an advertisement entitled "Catch the minister! \$250 for any who will catch a Methodist preacher and which went on to describe the man in the most minute manner.] And it was not long ere a victim was found, a coloured man named Hamlet, who resided in New York for three years, a member of the Methodist church, had a wife and family, sober, industrious and faithful to his employers, was sworn on the affidavit of a Mrs. Brown of more, that he was her property. The woman was not able to write, but she had her mark. She could not of course tell of her own knowledge what the witness contained which she signed; but yet she gave that affidavit, with the additional declaration of her son and son-in-law—it is believed, were the only parties to be benefited by the result—Hamlet torn from his family and sent into slavery. He was the first victim, and the north was not yet accustomed to it, so the price of the chattel was scribed. Mrs. Brown got her eight hundred dollars, and Hamlet came back a man.

★ ★ ★

VERY soon after this a coloured person named Adam Gibson was arrested in Philadelphia as the slave of Emery Price. The *New York Commercial Advertiser*, a pro-slavery paper, tells us that he came before Commissioner Ingraham that the prisoner's counsel demanded time to obtain witnesses to prove that Gibson was a free man, but that Ingraham "refused the application, and ordered a summary hearing." The hearing proceeded, and one Price was called as a witness. The *Advertiser* tells us that he swore he knew the prisoner to be "by his familiar looks," but that he inferred him to be Knight's slave because he rode Mr. Knight's horse, and had seen him work for him. Mr. Commissioner Ingraham ruled that when a coloured person worked for a slaveholder in Maryland the presumption was that he was a slave—though the witness admitted that many free coloured persons were thus employed. Price admitted also that he himself was bound over to the sessions on a charge of kidnapping, and this man was the only witness who identified the prisoner. An hour's time was asked, but refused by Mr. Commissioner Ingraham, although informed that the prisoner had been kept in ignorance of the real cause of his arrest until he appeared in court. Here was a summary trial. Two witnesses, coloured, were how obtained—men of good character—testified respectively that the prisoner's name was Adam Gibson, and that

formerly a slave of a Dr. Davis, who rated all his slaves by his will. The commissioner, nevertheless, had "no bit of the identity of the prisoner with very Rice," and ordered him to be turned over to Mr. Knight. This was in a free state of the American Union, in the state of William Penn, in the city of Philadelphia! A human being condemned into slavery for life, on the oath of a professional man-stealer that he had never seen him on Mr. Knight's horse! A bold a republican spectacle of the year 1851. Well, what was the *finale* of this transaction? Ingraham got his ten dollars, the *posse comitatus* was called out to enforce the law, northern men took the victim to the claimant, and presented him as his chattel; but the slaveholder had not villainy enough to receive him. He acknowledged that they had bought the wrong man—that Mr. Commissioner Ingraham's victim was not very Rice. What a picture was this! Northern justice prostituted, a judge of a free state, a northern marshal, the free citizens of Pennsylvania, all crouching before southern despotism, rolling in the mire of their own debasement, urging the slaveholder to take a victim, and the dealer in human flesh shrinking from a judicial award!

AFTER this came the case of Henry Long, in the city of New York. He was brought before a sham commissioner, and kept before him until arrested under a valid authority; he was arrested and condemned, and sent to Virginia—and he was sold there with the special condition that northern benevolence should never reach him, that he was never to be transferred to a northern owner. Rapidly after this came a scene of blood in the state of Pennsylvania. The Philadelphia *Bulletin* tells us that a deputy marshal Hatzel, constable Agen, and four or five other men, proceeded to Chester county to hunt up a chattel. They arrived at the house where the fugitive was supposed to be secreted, and knocked at the door. A coloured woman opened the window to know their business, when she was informed that they had broken the traces of their raggon and wished a light to mend them. She came down stairs and admitted the party in waiting. They thus effected an entrance, and were proceeding up stairs, when they were met by two coloured men and two coloured women. The women and one of the men were armed with axes, and the other had a gun. The marshal told them that they were in search of a fugitive slave; but they refused to let him or any of his men enter the room. The gun was taken from

CANADA - 1865

"We Have Found A Better Way"

HERE is a people composed of two distinct races, speaking different languages, with religious and social and municipal and educational institutions totally different; with sectional hostilities of such a character as to render government for many years well nigh impossible; with a constitution so unjust in the view of one section as to justify any resort to enforce a remedy. And yet, here we sit, patiently and temperately discussing how these great evils and hostilities may justly and amicably be swept away forever. We are endeavouring to adjust harmoniously greater difficulties than have plunged other countries into all the horrors of civil war. We are striving to do peacefully and satisfactorily what Holland and Belgium, after years of strife, were unable to accomplish. We are seeking by calm discussion to settle questions that Austria and Hungary, that Denmark and Germany, that Russia and Poland, could only crush by the iron heel of armed force. We are seeking to do without foreign intervention that which deluged in blood the sunny plains of Italy. We are striving to settle forever issues hardly less momentous than those that have rent the neighbouring Republic and are now exposing it to all the horrors of civil war. Have we not



then great cause of thankfulness that we have found a better way for the solution of our troubles than that which has entailed on other countries such deplorable results?

THE future destiny of these great provinces may be affected by the decision we are about to give to an extent which at this moment we may be unable to estimate, but assuredly the welfare for many years of 4 millions of people hangs on our decision. It may be that some among us will live to see the day when as a result of this measure a great and powerful people will have grown up on these lands—when the boundless forests all around us shall give way to smiling fields and thriving towns and cities and when one united government shall extend from sea to sea."

George Brown
Confederation Debates,
February 8, 1865.

the man, and the party endeavoured to disarm the man with the axe. A pistol was fired at him, the ball of which must have entered his breast, but he still maintained his resistance. The fight continued until the southern *gentleman* (so says the *Bulletin*) who was with the party advised the marshal to withdraw, remarking that he would not have one of them killed for all the negroes in Pennsylvania. The party retired, firing several shots as they went, and more than one coloured person is supposed to have been shot. One was seen to fall as the officers were leaving. None of the marshal's party were injured." Here was a spectacle in Christian America! Northern officials acting as slot-hounds on the track of human beings charged with no crime!—decoying the poor victims from their lair by appeals to their benevolence!—shooting them down like beasts of prey because they loved liberty! And mark the cowardice of the transaction. A posse of seven men and a southern *gentleman*, all armed to the teeth, driven

off by two women and a man with axes and another man disarmed. Show me a tyrant, and I will find you a coward.

I HAVE said that there are true men, noble spirits in the northern states who did not witness these things unmoved; but that the full guilt of the iniquity rests on the north, no man can doubt. When a feeling of resistance to the Fugitive Bill began to show itself, who were the men most forward to crush it? Northern merchants, northern editors, northern politicians—ay, northern ministers of Christ. The cry of the "Union in danger" was got up; the American constitution was openly declared to have higher claims to obedience than God's moral law, and popular meetings were held throughout the union to pronounce in favour of the fugitive atrocity. A mass meeting was held in the city of New York, and the great Daniel Webster, the "God-like Daniel," as he was once styled, was brought there for the

(Continued on Page 8)

"Monstrous Iniquity"

(Continued from Page 7)

occasion. In his speech to the New Yorkers Mr. Webster, while considering the cry for the repeal of the Fugitive Bill, told them the President "considered the settlement as final," and he would "carry it into effect." Mr. Webster continued thus: "This is the subject, gentlemen, on which the moral sense of the country ought to receive tone and tension. There ought to be a stern rebuke by public opinion, of all who would reopen this agitating question—who would break this truce, as they call it—who would arm again and renew the war." The New York papers tell us this was received by the audience with "applause and cheers." Think of northern men applauding when told that that is a "final settlement" which makes them the slave-catchers of the "southern chivalry." It is often said that slavery cannot be so bad a thing, for that slaves who have escaped are glad to get back to bondage. If such cases do ever occur, it presents one of the most startling features of the vile system, that it actually degrades men so low that they know not the difference between slavery and freedom. But these New York people bring us new testimony to the demoralizing influence of slavery; they show that it blunts all the nobler feelings in those who are but indirectly connected with it; that men born and reared in the free north can rejoice to pass under the yoke of the south, and give "loud cheers" when they are told by the man who subjugated them that their degradation is to be perpetual.

But the great guilt of slavery lies at the door of American churches. Truly did Albert Barnes say: "There is no power out of the church that could sustain slavery one hour if it were not sustained in it." But nearly all the churches of the union are steeped in its iniquities; ministers, office-bearers and people are alike its upholders. How can the state of the American church be better described than by the fact that Dr. Spring, an eminent light of the Presbyterian church, and minister of a large congregation in New York, publicly made this declaration: "If by one prayer I could free every slave in the world, I could not offer it." Laboured arguments are constantly coming from evangelical northern pulpits palliating the system—nice criticisms on God's law in regard to it; but for my part, I cannot listen to such arguments; I sweep aside all such theological humbug, and find a solution of the whole question in the grand

Christian rule, "Do unto others as you would be done unto."

★ ★ ★

IT IS much to be regretted that Christian men in Great Britain are so slow to comprehend the position of the American church on this question—that with it rests the fate of the traffic. It is said that Methodist church ministers and members hold 219,563 slaves; Presbyterians, 77,000; Baptists, 125,000; Campbellites, 101,000; Episcopalians, 88,000; and other denominations, 50,000; total slaves held by professing Christians, 660,563. Let these churches declare slavery a heinous sin in the sight of God; let them compel the man-stealer to choose between God and mammon, and how long would slavery exist?

The first time I ever entered an American church was in the city of New York—a Presbyterian church. A friend who was with me went into one pew and I entered another. Immediately I noticed several persons staring at him in a particular manner, and at last a gentleman rose, went to one of the office-bearers, whispered, and pointed to my friend. The second gentleman left his pew, went to my friend, and most politely conducted him to another seat. Both of us attributed the circumstance at first to courtesy, but we soon learnt that we had got into the black pew, in which no white man should be degraded to worship his Maker. The thing is too common to be denied; also at the sacramental table the black Christian must sit apart from his white brother worm.

★ ★ ★

THE question is often put, What have we in Canada to do with American slavery? We have everything to do with it. It is a question of humanity, and no man has a right to refuse his aid, whatever it may be, in ameliorating the woes of his fellow-men. It is a question of Christianity; and no Christian can have a pure conscience who hesitates to lift his voice against a system which, under the sanction of a Christian altar, sets at defiance every principle of Christianity. We have to do with it on the score of self-protection. The leprosy of the atrocious system affects all around it; it leavens the thoughts, the feelings, the institutions of the people who touch it. It is a barrier to the spread of liberal principles. Who can talk gravely of liberty and equality in the States while slavery exists? Every intelligent American who professes to be a Christian, and upholds slavery, is committed to a glaring infidelity, which must lead him continually astray in trying to square with it his every-day conduct. We are along-

side of this great evil; our people move with it; we are affected by it now, every day enhances the evil.

But how shall we proceed—what we do? Speak against it; write against it; agitate against it; when you get of a Yankee, drive it home to him; let him his country is disgraced; wound his pride; tell him his pure institutions are a great sham; send him home thoroughly ashamed of the black blot on his country's escutcheon. In steamboat, or road, or wherever you are, hunt a Yankee and speak to him faithfully; there is no other man so sensitive as to what others think of him. You will find strange arguments to meet, but every man of them will be "*as much opposed to slavery in the abstract as you.*" I know great evil, they will say; but what can be done with it? Tell them that slavery is not an evil but a sin, a breach of a commandment in the decalogue, that there is no choice but immediate emancipation. Tell them there was a tea tax attempted to be imposed on them, and there was no word of "what to be done" then; they flung the tea into Boston harbour, and they must abolish slavery after it. They'll say with the deepest sympathy that "the poor creatures could not take care of themselves but you can tell them that we have ten thousand of them in Canada; that they all seem to get along, and that the missionaries to the heathen may be satisfied to find for themselves food and clothing. They will presently get angry and assert that but for the violence of the abolitionists slavery would have been done away with long ago; but you tell them that the cry of every day since the world began has been: 'Get rid of these pests, that turn the world up to down!'"

Guide For Employers Now Available

IN RESPONSE to many requests from Industries and Personnel Offices throughout the province, the Commission has prepared "A Guide for Employers" which explains in detail the operation of the Ontario Human Rights Code in relation to employment application forms and job interviews.

On the opposite page we reproduce the chart which sets out what is, and what is not permissible in the questioning of applicants.

The Guide is now available for distribution and may be had on request.

<i>Inquiries Before Hiring</i>	<i>Lawful</i>	<i>Unlawful</i>
1. NAME	a. Maiden name. b. Name used if previously employed under different name.	Inquiry into previous name where it has been changed by court order, or otherwise.
2. ADDRESS	Inquiry into place and length of current and previous addresses in Canada.	Inquiry into foreign addresses which would indicate national origin.
3. BIRTHPLACE NATIONALITY ANCESTRY PLACE OF ORIGIN	Request birth certificate after hiring.	a. Request birth certificate or baptismal certificate. b. Any inquiry into place of birth. c. Any inquiry into place of birth of parents, grandparents, or spouse. d. Any other inquiry into national origin.
4. RACE OR COLOUR		Any inquiry which would indicate race, colour or complexion.
5. PHOTOGRAPHS	May be required after hiring for identification purposes.	Request photograph.
6. RELIGION - CREED		a. Any inquiry to indicate or identify religious denomination or customs. b. May not be told this is a Protestant (Catholic or Jewish) organization. c. Request pastor's recommendation or reference. a. Whether a Canadian citizen or British subject. b. If native-born or naturalized. c. Date citizenship received. d. Proof of citizenship. e. Inquiries regarding citizenship status of parents or spouse. f. Any inquiry into citizenship status which would tend to divulge applicant's nationality, ancestry, or place of origin.
7. CITIZENSHIP		
8. EDUCATION	a. Inquiry into what academic professional, or vocational schools attended. b. Inquiry into language skills, such as reading and writing of foreign languages.	a. Any inquiry asking specifically the nationality, racial or religious affiliation of a school. b. Inquiry as to what is mother tongue or how foreign languages ability was acquired.
9. RELATIVES	Inquiry into name, relationship, and address of person to be notified in case of emergency.	Any inquiry about a relative which cannot be asked about an applicant.
10. ORGANIZATION	Inquiry into organization memberships with the qualifications, "Do not list clubs or organizations of a religious, racial, or national character."	a. Ask to list all clubs and organizations where membership is held. b. Specific inquiry into clubs and organizations which would indicate race, creed, colour, nationality, ancestry or place of origin.
11. WORK SCHEDULE	a. Inquiry into willingness to work required work schedule. b. Inquiry after hiring about religion to determine when leave-of-absence might be required for the observance of religious holidays.	Any inquiry into willingness to work any particular religious holiday.

ANY INQUIRY IS FORBIDDEN WHICH, ALTHOUGH NOT SPECIFICALLY LISTED AMONG THE ABOVE, IS DESIGNED TO ELICIT INFORMATION AS TO RACE, CREED, COLOUR, NATIONALITY, ANCESTRY OR PLACE OF ORIGIN IN VIOLATION OF THE ONTARIO HUMAN RIGHTS CODE.

LETTERS

Parent Raises Some Serious Questions About Race Bias in Children's Books

MY DAUGHTER Lynn is aged 11 and attends Grade 7 in Public School. Last week she told me that she had got a copy of Tom Sawyer from the school library, but had replaced it immediately because it continuously used the word n-i-g-g-e-r. My heart is filled with pride at the actions of my daughter, and particularly as she could not bring herself to use the word, but had to spell it out.

Of course it is no accident that she feels this way. We have had many conversations on this subject. However there are many other things that I would like her to feel strongly about, but in which she does not share my convictions.

It would be nice to leave the matter there and to go about telling people how well brought up my children are. Unfortunately I am one of those people who continually tortures himself about doing the right thing.

Is it enough to be content that my child does not discriminate. I am also a member of the Public School Board. Should I then agitate to have the book removed from the schools so that no other child is corrupted by the word?

But the real dilemma is this. I am just as opposed to a censorship which arbitrarily decides that certain literature is not acceptable, be it common obscenity, or a book extolling the virtues of communism for instance. To be specific, although I would not like my daughter to read "Lady Chatterly's Lover", until she is a good deal more mature, I would not be adverse to her reading "The Blue Lagoon", which another parent might take objection too.

Am I then, by not interfering with my daughter's decision, providing some kind of tacit approval to a self imposed censorship. Should I rather advise her to read the book, retaining her objection but enjoying what I know to be a real adventure in the realm of children's literature. I invite your comment on this, to me, knotty problem.

To further complicate matters I am aware that there is a book by a former Governor-General of Canada, who wrote

under a pseudonym, which pictures the Negro as an inferior being. In this case if the book fits the description I have been given, I would most definitely object. It is not a novel, but one intended to picture life in other lands and must have some effect on the children receiving instruction.

T. Edwards

508 Euclid St.,
Whitby.

Dr. Hill Replies

IN DISCUSSING the pros and cons of censorship, by parents, of our children's reading matter, you have raised a most difficult question.

However, in the case of "Tom Sawyer"—even though the word "nigger" is frequently used—I would be inclined to agree with a comment which you made in the sixth paragraph of your letter, "Should I rather advise her to read the book, retaining her objection but enjoying what I know to be a real adventure in the realm of children's literature."

Neither "Tom Sawyer" nor "Huckleberry Finn" for that matter, are books whose primary or secondary purpose is to ridicule or defame Negro people. They are good adventure stories written by a man who seemed, at least to me, to have some anti-slavery sentiments, but who used the unfortunate racial vernacular of his time. I do feel that a parent is obligated to express and discuss the historical period in which such literature was written. This does not mean that the parent should condone the use of objectionable epithets.

If a book has as its primary objective the derogation of some national, racial or religious group to inferior status, then, I feel, that the parent has every right to prohibit its use—especially if the child is not of an age to reason and weigh issues properly.

Frankly, I feel that you are giving your child the right orientation and that you need not be fearful.

Daniel G. Hill
Director.

Félicitations

J'AI été heureux de recevoir un exemplaire du Code Ontarien des Droits de l'Homme, que vous avez eu l'amabilité de m'envoyer dernièrement. Je vous félicite et vous remercie d'avoir pu cet important document en français. Les catholiques canadiens-français appuient le Gouvernement de la Province d'Ontario de s'engager à "mettre point et diriger des programmes d'éducation destinés à faire disparaître les inégalités de traitement en matière de race, de croyance, de couleur, de nationalité, d'ascendance ou de lieu d'origine" (Chapitre 93, Partie II., Numéro 8, c. 1).

† *Maxime Tessier*
Evêque de Timm

Evêché, Bishop's House,
O.P. 9, Haileybury, Ont.

★ ★ ★

Heureuse Initiative

PAR lettre datée du 15 du courant, vous avez eu la délicatesse de faire parvenir un exemplaire de l'édition française du Code des Droits de l'Homme de l'Ontario, de même qu'un imprimé qui explique les principes qui sont à la base de ces droits.

Permettez-moi de vous adresser mes vives félicitations pour l'heureuse initiative qu'a prise votre organisme de publier une rédaction en langue française de ces textes importants, initiative qui réjouit tous les Franco-Ontariens et finit une preuve tangible des rapports amicaux que l'on doit chercher de maintenir en plus à susciter entre les deux grandes races qui ont présidé à la naissance de notre patrie canadienne.

Avec mes sincères remerciements, je vous prie d'agréer l'assurance de sentiments les plus distingués.

Aurèle Poitras
Chanc

Chancelier,
Archevêché, d'Ottawa.

★ ★ ★

Meilleure compréhension

JE VOUS remercie bien sincèrement d'avoir fait parvenir un exemplaire de l'édition française du Code des Droits de l'Homme de l'Ontario.

Ce geste que le Gouvernement de la Province de l'Ontario pose en publiant un plus grand nombre d'ouvrages en langue française est des plus consolants. C'est un pas de plus vers l'idéal d'une bonne entente qui doit exister entre divers peuples qui habitent notre province, notre pays.

Veuillez agréer avec mes plus cordiales salutations, l'expression de ma plus sincère reconnaissance,

Evain G. Marchand, président
Willowdale, Ont.

on Leader Says Human Rights Code Should Apply to Boards of Education

YOU are aware, under Section 2, (B) of the Fair Employment Practices Act (now incorporated in the Ontario Human Rights Code) Boards of Education are excepted from application of the Act.

It would seem that to compromise the principle that the Act is designed to uphold, is entirely wrong, since there should be no "shades" or "greys" where equality is concerned. Indeed, the noble intent as indicated in the Preamble, is, in our humble opinion, negated by the provisions of Section 2, (B) and (C). What is worse, is the fact that authorities responsible for the education of our youth, are themselves most in need of education, as far as the principle is concerned, or so it would seem.

We appreciate the progress that has been made since the inception of the Act, however, so prevalent is discrimination, especially in our schools, that we think it to be not only prevalent but deep and widespread.

It is a fact that legislation aids education and that the two go hand in hand, therefore we respectfully suggest that there be a clear indication of the need for the Act to apply to Boards of Education in their selection of teaching staff.

We would therefore request that the Commission give careful consideration to this problem and the advisability of recommending to the Government that the Act be made to apply to Boards of Education when hiring teachers.

William A. Acton

National Director,
National Union of Public Employees,
Toronto, Ontario.

★ ★ ★

Outstanding Example

WANT to acknowledge your kindness in sending me a special bulletin with reference to the settlement achieved in the Khouw-Wonsch Construction Company Limited case in Windsor.

I think this is an outstanding example of the work that can be accomplished by the Commission in problems of this type that inevitably arise from time to time as people come face to face with the practical application of theories and principles of human rights.

I think the role played by your office is most laudable and I am naturally gratified by the results that it was possible to achieve in this matter. I appreciate your kindness in keeping

us informed and we will look forward to further information from time to time on other developments of similar significance.

D. L. Michael

Executive Secretary,
Department of Public Affairs,
Seventh-Day Adventist Church in
Canada.

Commission Announces Appointment Of Doreen Jacobs as Education Officer

DOREEN E. JACOBS, formerly a public relations officer with the Department of Economics and Development and editor of the magazine Ontario Housing, has been appointed Education Officer for the Ontario Human Rights Commission.

Miss Jacobs, a graduate of the University of Western Ontario, has also studied at the University of Wisconsin where she received a B.Sc. degree in Community Organization and Recreation.



The new Education Officer brings to the Commission an impressive employment record, having been

Programme Assistant for the Canadian National Commission for UNESCO; a staff member of the Canadian Association for Adult Education and Head of the Publications and Visual Section of the United Kingdom Information Service.

In 1960, Miss Jacobs was actively employed in planning the World Conference on Adult Education, held in Montreal. She also assisted in organizing UNESCO's 1960 Regional Conference in Vancouver.

In welcoming Miss Jacobs to the staff Dr. Daniel G. Hill said that the Commission was indeed fortunate to acquire a person with Miss Jacobs' qualifications who was also familiar with the major organizations in Ontario concerned with educational and cultural matters.

Miss Jacobs' first assignment will be to develop a series of new publications for the Commission as well as counselling and assisting the numerous groups across

HUMAN RELATIONS
Vol. 4 May-June, 1963 No. 7

Published by the Ontario
Human Rights Commission
Department of Labour

8 York Street, Toronto

Hon. H. L. ROWNTREE

Minister of Labour.

LOUIS FINE, Chairman

THOMAS M. EBERLEE, Secretary

Dr. DANIEL G. HILL, Director

Joyce Applebaum,

Gordon Greenaway,

J. F. Nutland, Members.

Address all correspondence to:
Ontario Human Rights Commission,
8 York Street, Toronto.

Ontario who have expressed a definite interest in developing local Human Rights programmes.

A NEW FILM

Willie Catches On

EVEN before he is ten years old Willie sees that some people are treated differently than others. Without direct instruction he knows that there are people who "belong" and people who don't.

Willie's parents are not unkind to the Chinese laundryman or the Negro porter or the Jewish children down the street. yet the impression becomes firmly fixed in Willie's mind that these people are "different".

When Willie goes to high school and then college, the seeds of prejudice, not deliberately sown by any adult, begin to sprout, showing up in unmistakable though polite, acts of intolerance. During his summer job at a fashionable resort hotel he doesn't question the fact that he has privileges denied his Negro colleague.

Where does it all begin?

How are the seeds of prejudice implanted?

Willie catches on is a frank and searching attempt to answer these questions of growing concern in our shrinking world.

Produced by The National Film Board of Canada. 16mm, black and white, running time: 24 minutes.

By DANIEL G. HILL

Commission Round-Up

SINCE January, the Commission has investigated and conciliated approximately thirty cases of discrimination, chiefly in the areas of housing and employment.



Dr. Daniel G. Hill

A number of violations in connection with employment application forms were reported in which information concerning race, nationality, or creed was sought from prospective employees. One employer agreed to withdraw his request for photographs while another was advised that he could not ask for the political affiliation of his employees. The willingness with which citizens have brought discriminatory application forms to our attention and the prompt and co-operative manner in which most employers have changed their forms, has convinced the commission that its educational objectives are becoming well-known and respected. In only one case, involving a large corporation, have we found a reluctance by management to comply with existing legislation. However, there is now every indication that they will shortly bring their employment forms into line with the spirit and objectives of the Ontario Human Rights Code.

★ ★ ★

AMONG the private housing complaints which are currently before the Commission two involve a duplex and a private home, both of which are outside the formal jurisdiction of the Code. Voluntary compliance is being sought from the owners and the cases are still being conciliated. The complainants in both cases are Negro. Four employment cases involving three German girls and a Ukrainian factory worker were investigated and dismissed after the Commission could not find probable cause or justification for the complaints. Finally a large Trust company which refused to interview West Indian Negroes has now changed its practices and has assured the Commission that it will interview all prospective employees without

regard to race. In order to test the effectiveness of our settlements, the Commission has, within the last two months, instituted follow-up procedures whereby all cases will be automatically reviewed within a six-month period.

Since the beginning of the year, the staff of the Commission have addressed fourteen gatherings, representing a wide cross-section of organizations and community agencies, including the Children's Aid Society of Kingston; classes at the University of Western Ontario; the North York University Women's Club; service clubs in Hamilton and Westport; a teen-age church group in Burlington; B'nai B'rith, Y.M.C.A., Y.M.H.A., and Trade Union groups; a high school class at Agincourt Collegiate; the Toronto Labour Conference on Human Rights; the Negro Community Centre in Montreal. In addition, the Director has made two television appearances (in Toronto) and two radio appearances (in London and St. Catharines).

★ ★ ★

THE Commission staff have held meetings with the officers of the International Institute for the purpose of discussing the Human Rights Code and to consider ways of spreading knowledge of the Code into the ethnic community. The Director has taken an active part in the planning of meetings called by the Ontario Welfare Council with regard to the 3rd Annual Conference on Inter-Group Relations to be held in August and he has also been associated with the project sponsored by the Social Planning Council of Metropolitan Toronto in connection with the adoption of Negro children. In the area of publications an article by the Director on housing discrimination has been published in the May issue of *Building Management*, the journal for apartment house owners.

Active consultation was given by the Commission to the Citizenship Branch of the Federal Department of Citizenship and Immigration in providing information about the human rights program in Ontario for a report to the United Nations.

The Commission is also actively planning five conferences for the summer and fall months. Further information about these will be announced as plans are more definitely formulated.

Studies Of Discrimination Patterns In Hamilton, Windsor

THE Honourable H. L. Rowntree, Minister of Labour, has announced that the Ontario Human Rights Commission is undertaking two major studies in Windsor and London regarding the extent to which minority groups are affected by employment and housing discrimination in these cities.



H. L. Rowntree

The studies are made possible by a Commission grant of six thousand dollars and are being conducted by Dr. Rudolph Helling, Head of the Department of Sociology and Anthropology at the University of Windsor, and Professor Michael M. Ames, anthropologist in the Department of Sociology at McMaster University.

The research teams, assisted by graduate students and social welfare workers, will concentrate on discrimination involving the immigrant, Asian and Negro communities.

Mr. Rowntree, in stressing the importance of the studies, said that the information obtained would give valuable assistance to the Commission in directing its program of education and enforcement of the Ontario Human Rights Code.

FOR YOUR INFORMATION

If you would like to receive a copy of "HUMAN RELATIONS" regularly, we should be glad to send you your name and those of any of your friends to our permanent mailing list.

★ ★ ★

PUBLICATIONS AVAILABLE THE ONTARIO HUMAN RIGHTS CODE

In addition to the regular English and French editions, the Code is also available, in both languages, in the form of an illuminated two column scroll, suitable for framing.

As part of the observance of Multinational Carta Day (June 15th) the Commission is endeavouring to have the scroll prominently displayed in public buildings, churches, schools, hotels and tourist resorts, community centres and industrial plants throughout the province.

Address requests to:

**Ontario Human Rights
Commission**

8 York Street, Toronto, Ontario

"A prejudice is a vagrant opinion without visible means of support."

— Ambrose Bierce



HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

December, 1963



No. 8

WE NEED THE SHIELD AND THE SWORD IN SAFEGUARDING OUR HUMAN RIGHTS

By F. W. BOWKER*

RACIAL discrimination is not as acute in Canada as in the United States. Denial of the right to vote on racial grounds has practically disappeared in our country. Segregated schools are unknown, and so are laws against mixed marriages. Discrimination is practiced in accommodation, employment and housing as they are in the United States, but it never has legal force. In other words it is private.

This brings us to an important question. What is the role of a constitutional safeguard and what is the role of legislation? To borrow the metaphor that an American writer has used, the constitutional enactment is a shield but the victim of discrimination needs a sword as well. The sword is legislation that forbids discrimination.

All that the American constitution does is to forbid discriminatory laws (and other government action). This is fine as far as it goes, but to change the metaphor, it lacks teeth. The teeth are legislation that forbids discriminatory acts by individuals or groups.

★ ★ ★

NEED FOR SANCTIONS

EVEN if a constitutional safeguard were in broader terms than the Fourteenth Amendment this would still be true. For example the New York Constitution of 1892 forbids discriminatory practices by individuals and corporations as well as by the State. If this were sufficient by itself then statutes would not be needed. The fact of course is that a common subject like discrimination in em-

ployment can be met only with sanctions and machinery for conciliation. Thus New York passed a Law Against Discrimination (in employment) in 1945. The opposition was bitter, but the act has in

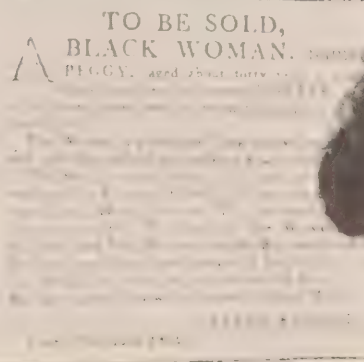
fact done much to put the negro in jobs. Indeed it had a role, though perhaps not the principal one, in putting negroes into major league baseball.

One more example of the shield and sword can be found in legislation of the Canadian Parliament. The Canadian Bill of Rights Act of 1960 though an ordinary statute rather than a constitutional

(Continued on Page 2)



Dean Bowker



—Globe and Mail — John Boyd

*Partial text of an address delivered by Dean Bowker of the University of Alberta at the Annual Meeting of the Canadian Bar Association, Banff, Alberta, June 1963.

High School student Jo Ann Grayson takes notes on announcement of sale of Negroes which appeared in the Upper Canada Gazette on March 1, 1806. It is part of an exhibition — The Negro in Ontario in the 19th Century, held recently at the Toronto Public Library. (See story on page 7.)

WE NEED THE SHIELD AND SWORD

(Continued from Page 1)

restriction on legislative power, does have the same general quality — it first proclaims certain rights (sec. 1) and then provides that all Canadian statutes shall be construed and applied so as not to infringe those rights (sec. 2).

★ ★ ★

LAWS WITHOUT TEETH

IN connection with discrimination section 1 says: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely . . . (d) the right of the individual to equality before the law and protection of the law." In the three years since passage of the Bill, the Courts have construed it narrowly, as the annual reports to this section demonstrate. For example the Bill has no effect on the provisions in the Indian Act that impose on Indians special restrictions relating to possession of liquor: *Reg v. Gonzales*, (1962) 32 D.L.R. (2d) 290. However the restricted scope of the Bill is not really relevant to the point I wish to make here, which is this: The Bill of Rights like the Fourteenth Amendment is essentially negative—a shield. On the other hand the Canadian Fair Employment Practices Act is affirmative — a sword. The repeal of the Bill of Rights would not affect the Fair Employment Practices Act. The latter would stand in full vigour. On the other hand the repeal of the Fair Employment Practices Act would deprive the victim of discrimination of the only real legislative protection he has because the Bill of Rights, to return to our second metaphor, is toothless.

★ ★ ★

UNFOUNDED FEARS

A CONSTITUTIONAL safeguard (or quasi-constitutional, as in the Canadian Bill of Rights) is essentially negative. This may serve the purpose when the sole object is to prevent legislative action: e.g., "Congress shall make no law abridging freedom of speech". It is not completely effective by itself to secure equal protection of the laws, but must have the support of legislation.

To conclude the discussion on this point, a person who believes in a constitutional limitation on the legislature to prevent it from denying the right to equal protection of the laws, should support anti-discrimination statutes; while a person who does not so believe can quite consistently support such statutes.

There is of course opposition to these enactments. For example New York's Law against Discrimination, already mentioned, met opposition on many



"What Do You Mean, Not So Fast?"

fronts. The executive committee of the New York Bar Association opposed it. They said it was an attempt to legislate morality (and also that it was an improper interference with freedom of contract, it would drive business out of the state and it would increase group hostility). These fears were unfounded and the Act has had a substantial success.

An example closer to home of opposition to this type of law appears in the following resolution passed in November 1961 by an influential organization in this province:

WHEREAS several well-intentioned groups in Alberta are pressing the Government to introduce Fair Employment Practices (F.E.P.) and Fair Accommodation Practices legislation; and

WHEREAS F.E.P. legislation is Communist-inspired, having for its purpose the threat of legal blackmail to force subversive agents into positions at present closed to them; and

WHEREAS this is achieved by making it illegal for an employer to enquire into or give consideration to any question of "race, colour or creed" in assessing the suitability of an applicant for employment; also by inference, making it illegal for a hotel or motel manager to refuse accommodation to any person, however undesirable his conduct may be, if he should happen to be coloured, or to be a militant adherent of a particular creed (e.g. Communism); and

WHEREAS people cannot be legislated into decency and morality;

THEREFORE BE IT RESOLVED that the Alberta Government be requested to investigate its purpose, implications very fully before giving consideration to introducing so-called Fair Employment Practices legislation and

BE IT FURTHER RESOLVED the Alberta Government be requested to investigate alternative non-legislative action to arouse the public conscience against deliberate and Christian discrimination against our coloured fellow-Canadians.

One can see from the last paragraph that the resolution in fact opposes discrimination. This being so it is hard to see why it objects to a statute that provides for education and efforts to persuade, which are important features of the Canadian acts. In any case my purpose is to refer to the preamble. The second and third recitals are of little weight as to require no comment. The fourth recital invokes the doctrine that "morality cannot be legislated". My purpose here is to submit that this doctrine is not a valid objection to the laws under consideration.

★ ★ ★

CAN WE LEGISLATE MORALITY?

IF it means that legislation or common law rules for that matter, never effectively deal with matters of decency and morality, it is patently incorrect. Part of the Criminal Code which is headed "Sexual Offences, Public Morals and Orderly Conduct" deals largely with moral offences. Contracts for an immoral consideration, and gifts in wills subject to a condition conducing to immorality are void. There is of course legitimate debate as to the extent to which

HUMAN RELATIONS

Vol. 4 - December, 1963 - No.

Published by the Ontario
Human Rights Commission

Department of Labour
8 York Street, Toronto

Hon. H. L. ROWNTREE
Minister of Labour.

LOUIS FINE, Chairman
THOMAS M. EBERLEE, Secretary

Dr. DANIEL G. HILL, Director

Joyce Applebaum,
Go. don Greenaway,

J. F. Nutland, Members.

Address all correspondence to
Ontario Human Rights Commission
8 York Street, Toronto

attempt to prohibit conduct con-
 immoral. The recent controversy
 gland on the question of continuing
 der criminal homosexual acts in
 e between consenting adults illu-
 this. It does not follow that con-
 generally regarded as immoral can
 be prohibited or at least effectively
 iced by law.

in Rostow of the Yale Law School
 written:

*en often say that one cannot legis-
 morality. I should say that we
 's late hardly anything else. All
 vements of law reform seek to carry
 certain social judgments as to
 at is fair and just in the conduct of
 iety" (The Sovereign Prerogative
 1962) p. 79.)*

the dogma means that legislation on
 rs of morals should have behind it
 support of a substantial body of
 on, one cannot argue with it. Society
 s uses pressures, non-legal and
 to make its members conform in
 conduct. Indeed, one of the roles
 w is to operate as an instrument of
 l control. While law will be ineffec-
 if it goes counter to deeply held
 s of the great majority, it can on
 other hand help to lead opinion.
 y once said that "no facts play a
 important part in the creation of
 on than laws themselves" (Law and
 ic Opinion, 2 Ed. (1914) p. 465).

★ ★ ★

SE CLAIM SHALL PREVAIL?

ANNOT claim to speak as a sociolo-
 gist, but it is my understanding that
 ough one of the early American
 ologists, Sumner, gave some support
 the dogma, it does not seem to have
 eral acceptance today. If one ex-
 amines the welter of current newspaper
 magazine articles on desegregation
 the United States he will see general
 ptance (excepting the intransigent
 egationists in the South) that laws
 necessary to ease the lot of the
 ro, though they admittedly are not
 ough by themselves.

another answer to the dogma is this:
 anti-discrimination law does not pur-
 to make the discriminator love the
 a of different race or colour. It merely
 s him to treat him as he would any-
 else.

to conclude, the purpose of this paper

"WHO AMONG US WOULD BE CONTENT?"

THE Negro baby born in America
 today, regardless of the section of
 the nation in which he is born, has
 about one half as much chance of com-
 pleting high school as a white baby
 born in the same place on the same
 day, one third as much chance of com-
 pleting college, one third as much
 chance of becoming a professional
 man, twice as much chance of becom-
 ing unemployed, about one seventh as
 much chance of earning \$10,000 a
 year, a life expectancy which is seven
 years shorter, and the prospects of
 earning only half as much.

If an American, because his skin is
 dark, cannot eat lunch in a restau-
 rant open to the public, if he cannot
 send his children to the best public
 school available, if he cannot vote for
 the public officials who represent him,
 if, in short, he cannot enjoy the full
 and free life which all of us want,
 then who among us would be content
 to have the color of his skin changed
 and stand in his place?

Who among us would then be con-
 tent with the counsels of patience and
 delay? One hundred years of delay
 have passed since President Lincoln
 freed the slaves. Yet their heirs, their
 grandsons are not fully free.

They are not yet freed from the
 bonds of injustice. They are not yet
 freed from social and economic op-
 pression, and this nation, for all its
 hopes and all its boasts, will not be
 fully free until all its citizens are free.

Now the time has come for this
 nation to fulfil its promise.

President John F. Kennedy

★ ★ ★

THE TIME IS NOW!

"WHEN you take a cross country
 drive and find it necessary to
 sleep night after night in the uncom-
 fortable corners of your automobile
 because no motel will accept you;
 when you are humiliated day in and
 day out by nagging signs reading
 'white' and 'colored'; when your first
 name becomes 'nigger' and your
 middle name becomes 'boy' (however
 old you are) and your last name be-
 comes 'John,' and when your wife and
 mother are never given the respected
 title 'Mrs.'; when you are harried by
 day and haunted by night by the fact
 that you are a Negro, living constantly
 at tip-toe standce, never quite knowing
 what to expect next, and plagued with
 inner fears and outer resentments;
 when you are forever fighting a de-
 generating sense of 'nobodiness'; —
 then you will understand why we find
 it difficult to wait . . .

We're through with tokenism and
 gradualism and see-how-far-you've-
 comeism. We're through with we've-
 done-more - for-your-people-than-any-
 one-elseism.

We can't wait any longer — now is
 the time. . . . We will turn America
 upside down in order that it turn right
 side up.

Martin Luther King

is to show that if this country really be-
 lieves in the Universal Declaration
 of Human Rights, and the Principles of
 the Canadian Bill of Rights, it will
 through its provincial and federal legis-
 latures, support the passage and enforce-
 ment of legislation to put all humans on
 the same basis in matters of employment,
 public accommodation and housing. Op-
 ponents of such measures often invoke
 the right of the businessman to deal with
 whom he wants. It does not seem to me
 unfair to put this question. Can a mem-
 ber of a race that suffers from discrimina-
 tion justifiably ask society through its
 branches of government to take steps to
 protect him from the hurt he suffers
 through refusal by persons in business or

trade to treat him the same as anyone
 else? In my opinion, the answer is yes;
 and all that is left is to weigh the vic-
 tim's claim against that of the person
 who would discriminate and ask the next
 question, which of the conflicting claims
 should prevail in our society?

"THE AWFUL ROAR"

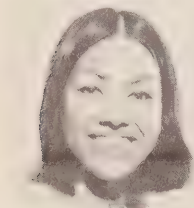
*If there is no struggle, there is no
 progress. Those who profess to favor
 freedom, and yet deprecate agitation,
 are men who want crops without
 plowing up the ground. They want
 the ocean without the awful roar of
 its many waters.*

—Abolitionist Negro
 Frederick Douglass, 1857

LETTERS and COMMENT

Indians Seek to Regain Their Rightful Status

MOST readers know about Indians, but a very small percentage really know any of us personally. We were here for thousands of years before the white men came. We number about the same as some other minorities. Despite this, we are regarded as second-class citizens by many, and we are blocked socially, economically and educationally!



Kahn-Tineta Horn

How many white people know the true history of this land? The Indians were democratic, law-abiding religious people before the pillaging, plunder and forked tongues of the exploiting white man came. Then, in the white man's propaganda, the Indians became killers, vicious and evil! How false and how tragic. But now these things are long past and we are suffering each day the agonies of a trapped people. This must change.

There are perhaps 250,000 of us on reserves, and maybe 200,000 of us not on reserves. Our "population explosion" is so great that we will number well over 1,000,000 before 25 years are past. To save ourselves from being confined to shrinking reserves, to save ourselves from being second-class citizens, we must overcome the obstacles placed in our path without loss of our identity as Indians.

Our first and most important necessity is in education. I have been seeking from the great schools of learning in Canada at least two scholarships in each school for tuition at least. It is my confident hope that with such scholarships we can find the way to provide support for these worthy students. I am seeking some of the great foundations and wealthy trusts to take an interest in the education of young Indians to high posts and professional standing in their nation.

★ ★ ★

INDIANS have long been masters of great handicrafts — from totem poles, war canoes, snowshoes, to the finest leather and bead work. I am working to

see if we cannot develop a truly authentic and permanent market for the traditional handicrafts.

My objective is to make sure that the Indians have pride, achievement, goals, education, and are socially accepted, and moving ahead economically. We are brave, talented, good, gifted people who deserve our place in the sun in a land that was long ours before it was yours.

To regain that lost place we must aid ourselves, but it helps if you know what we are trying to do. We do not intend to lose our culture. We do not intend to integrate with the white people.

But we do intend to rise to our proper level in the scheme of life, socially educationally, economically.

Kahn-Tineta Horn

Caughnawaga Indian Reserve,
Quebec.

★ ★ ★

Employers Guide Appreciated

In the May-June edition of "Human Relations" mention is made of "a guide for employers". This is most helpful in outlining in detail the operation of the code with respect to employment relations and interviews. We would appreciate receiving copies for use in our employment office and for distribution to affected managers and supervisors.

M. G. MacKenzie

Manager, Employment
Shell Oil Co. of Canada Ltd.

★ ★ ★

Helps Management

WE would like to take advantage of your offer of the "Guide for Employers" so that we may be fully aware of the Human Rights Code in relation to employment.

Incidentally, the chart which you produce on page 9 of your last issue is an excellent idea, and we are going to incorporate it into our hiring procedures to enable our management personnel to be fully aware of the questions which are permissible in interviewing of applicants.

Thank you for your co-operation.

J. A. Stewart

Vice-President & General Manager
VISIrecord of Canada Limited
Toronto, Ont.

A Critical Point of View

MORE often than not, we find sickening to read statements issued by officials of the Ontario Human Rights Commission following that group's investigation into reports of discrimination against persons because of their color. Some of the statements give the impression that the person found guilty of discriminating against another is a big hero at the outcome of the case.

When a statement was issued that the Windsor barber who refused to cut a Negro's hair had apologized in writing, the Negro and to the commission had pledged his adherence to the Ontario Human Rights Code in future, it was mentioned that the director of the commission expressed satisfaction at the result in which the Windsor incident was handled.

This particular announcement, gives the impression that the barber was a good boy, after all, wasn't as sickening as other announcements in the past, however. The one that takes the cake is one made last March following an investigation into a charge that a Windsor contractor and apartment owner excluded a young Indonesian as a tenant because of the young man's color.

At that time, a Toronto lawyer sat as one-man board of inquiry into the case congratulated the contractor for his attitude in the matter and said the contractor had, by his apology, "advanced the process of education in the difficult subject of human rights." The contractor who had refused the Indonesian an apartment, was made to look like a big hero. What a laugh!

Reprinted from the Windsor Star

We refer the writer to the Gospel according to St. John — Chapter Verses 1-11.—Editor H.R.

★ ★ ★

Approval

I HEARTILY agree with the legislation and with the work of your commission and would certainly consider it my duty as a solicitor to advise any client to comply with the letter and also the spirit of the legislation and Code.

From the newspaper accounts, your office seems to be doing a good job, combining tact with vigor. Go to it.

G. Y. Clever

Wallaceburg, Ont.

A Clergyman Objects

E before me a copy of HUMAN RELATIONS for May-June of this and have read carefully your Guide to Employers as it is found on page 9. That Article 6 states that it is unlawful for a person or firm considering any individual to request a recommendation or reference.

I say that, to me, this is the mark of foolishness. While I certainly am in favour of doing away with unfair practices, as a clergyman of 22 years experience, I cannot see how seeking a recommendation from a clergyman can possibly be regarded upon as an alienation of human rights. This matter was discussed by United Church clergymen at the National Conference last June and we were of one mind on this. We feel that the abuse of human rights is made to seem quite silly by such a regulation and wonder if it is removed from legislation altogether.

However, since it is the law, then I must state that you send a copy of the regulation to every manager of every branch of the Bank in Ont. I am getting rather tired of telling these gentlemen that they are breaking the law in asking me for a reference. They say they never knew such a law existed. Frankly I didn't know until I received your bulletin. Such regulation is the proof that Mark Twain was right when he said, "The law is ass."

(Rev.) W. Mark Reeves

United Church
Toronto, Ont.

★ ★ ★

Dr. Hill Replies

I have noted, carefully, your comments on the section of our Guide to Employers stating that it is illegal to request a job applicant to produce a recommendation from a minister. Unfortunately, some employers still penalize people by not hiring them because of their religious affiliation — or lack of it. People of the Jewish faith, Jehovah's Witnesses, Seventh Day Adventists, Catholics, agnostics and atheists have, without doubt, been discriminated against in these matters.

The legislation specifically provides that individuals should not be forced to disclose their religious identity. Therefore, requesting a letter from a minister which might disclose an individual's religious affiliation — defeats the purpose of the legislation. However, an em-

One in Purpose

BELOW the island of Montreal the water that comes from the north, from the Ottawa, unites with the waters that come from the Great Lakes to the west, but uniting they do not mix. They run parallel, separate, distinguishable, and yet they are one stream, flowing within the same banks of the mighty St. Lawrence, and rolling on toward the sea. . . .

There is the perfect image of our nation. We may not assimilate, we may not blend, but for all that we are the component parts of the same country. We may be French in our origin, we may be English or Scots or whatever — but we are Canadians, one in aim, and one in purpose.

—Sir Wilfrid Laurier

Employer can certainly ask for an individual to provide a character reference from a responsible individual in the community without stipulating the source. Then, if a person chooses to use his minister, or anyone else, he is free to do so on a voluntary basis. You will be pleased to know that your comments and criticisms have already been taken into consideration since other ministers have written to us with the same concerns. Therefore, we inserted an explanatory comment in the Guide which reads: "this section does not prohibit voluntary submissions by applicants of such information. It is, however, contrary to the principles of the Code for an employer to request such data."

We hope that this explanatory statement will clarify the matter.

Daniel G. Hill
Director

★ ★ ★

A Great Help

MAY I say, as a citizen of Ontario, and by profession as a priest of the Anglican Church, how grateful I am to receive "Human Relations".

Instead of the voice of a private group, "in opposition" as it were, this is the voice of our Government, and thus says a great deal about the potential for social health in the Province.

As one committed both by conviction and by vocational responsibility to support human equality, this publication and the Commission it represents are a great help and encouragement to me, and I

certainly hope all the Churches will join forces with the cause involved.

Morley E. Pinkney

Renison College
Waterloo, Ont.

★ ★ ★

Nouvelle Tradition

J'ACCUSE réception de l'exemplaire de l'édition française du Code des Droits de l'Homme de l'Ontario que vous avez eu l'amabilité de me faire parvenir ainsi que l'imprimé expliquant les principes à la base de ces Droits.

Par votre intermédiaire, je tiens à féliciter le gouvernement provincial d'avoir ainsi pour la première fois publié un statut de l'Ontario en français. Cette heureuse initiative témoigne de la bonne volonté grandissante des Ontariens de langue anglaise vis-à-vis de leurs concitoyens d'origine française. J'espère qu'elle ne sera pas la dernière mais marquera le point de départ d'une nouvelle tradition.

André Renaud, o.m.i.

Directeur général.

Commission des Oeuvres Indiennes et
Esquimaudes des Pères Oblats
Ottawa, Ont.

★ ★ ★

Dissenting Opinion — 1860

I ENCLOSE a copy of a portion of the judgment of Mr. Justice McLean in the case of *In the matter of John Anderson*, (1860) 20 Upper Canada Queen's Bench Reports at page 125. The relevant facts are set forth therein and, although Mr. Justice McLean's judgment is a dissenting one, it "received the highest commendation in England, the English Press pronouncing it a Judgment worthy a Mansfield" according to Read's Lives of the Judges. (See next page for text.)

The sequel to the case is interesting. Anderson's counsel subsequently obtained a Writ of Habeas Corpus in the Court of Common Pleas of Upper Canada, a Court of co-ordinate jurisdiction to the Court of Queen's Bench and he was discharged. See *In re John Anderson*, (1861) 11 Upper Canada Common Pleas Reports, page 1.

At the same time the English Court of Queen's Bench sitting at Westminster also granted a Writ of Habeas Corpus. The main issue in that case being whether or not the English Court had power to grant a Writ which would be effective in Upper Canada. See *Ex parte Anderson*, (1861) T.L. Rep. N.S. 622.

I bring the case to your attention because it appears to be an interesting judicial counterpart to the speech of George Brown set forth in the May-June 1963 issue of Human Relations.

John W. Morden

Toronto, Ont.

ONTARIO FLASHBACK — 1860

Set the Prisoner Free!

BY MR. JUSTICE McLEAN

THE facts, then, to which the evidence applies, (See "Dissenting Opinion" page 5) are, that Diggs was a farmer residing on land of his own, in Howard county, in the state of Missouri; that the prisoner was a slave, bound, himself and his children to perpetual servitude to any person to whom they might be transferred, and in 1853 a slave of one McDonald, living in Saline county, in the state of Missouri: that he had been transferred to McDonald by his former master, one Moses Burton, and compelled to remove from the immediate vicinity of his wife and child to a distance of 30 or 32 miles, where his new master resided; that he left McDonald's, and was seen at Samuel Brown's, where his wife was a slave, in September, 1853; and that he was chased there by several persons, for the purpose of returning him again to McDonald as a slave, but succeeded at that time in making his escape from them: that soon after, while still engaged in trying to make his escape from the man who claimed him as his property, he was passing over Diggs' farm, when he was accosted by Diggs, and asked whether he had a pass, and was told that without a pass he would not be allowed to proceed: that the prisoner attempted to escape by running away, and was pursued by Diggs and four slaves under his orders: that Diggs encouraged his slaves in the pursuit by offering to them the premium of five dollars, to which, under the law of the state he would be entitled for the arrest of a slave attempting to become free by escaping from his master; that, after pursuing the prisoner upwards of a mile from his own house, Diggs, with a stick in his hand, in order to intercept the prisoner, crossed a fence and approached him, and that, on their meeting, Diggs struck at the prisoner with his stick, as it is alleged, in self-defence, and the prisoner, with a knife which he had in his hand, inflicted a wound or wounds which caused the death of Diggs.

★ ★ ★

THE law of England, or rather of the British Empire, not only does not recognize slavery within the dominions of the Crown, but imposes upon any British subject who shall have become the owner of slaves in a foreign state the severest penalties, and declares that all persons engaged in carrying on the slave trade, when captured at sea, shall be liable to

be treated as pirates. In all the British possessions the institution of slavery, which at one time prevailed to a certain extent, was abolished at the enormous expense of twenty millions of pounds sterling in remunerating the holders of slaves. An immense amount has since been expended in efforts to suppress the African slave trade, and by every possible means the British government has put down and discountenanced the traffic in human beings.

★ ★ ★

EVEN when slavery was tolerated in some of the British possessions, no person could be brought into England without becoming free the moment he touched the soil; and though other nations have not chosen to follow the noble example of the British nation, and some are even yet embarking in nefarious and unchristian attempts to import human beings from the coast of Africa to be held in perpetual bondage, for the purpose of this world's gain, even at the risk of being regarded as pirates, happily the traffic has become too uncertain and too hazardous to be carried on to so great an extent as formerly prevailed. In the adjoining republic the evils and the curse of slavery are every day becoming more manifest, and even now threatens to lead to a dissolution of the federal compact of the United States, under which the several states have enjoyed an unexampled degree of prosperity.

The evil is not less revolting in a social point of view, for though the laws of some of the states of the Union may tolerate the dealing in human beings as if they were sheep or oxen, the best feelings of our nature must shudder at the thought of the severance of those endearing relations which usually form the solace and happiness of mankind. A father and mother, husband and wife, are liable, at the caprice of a master, or perhaps from his necessities, to be separated from each other and from their children; and they are bound to submit, or if they attempt to escape from bondage, and to consult their own happiness

in preference to the gain of their masters, are liable to be hunted by any white black man who chooses to engage in pursuit, and when captured are liable to severe punishment and increased severity from their task-masters.

The prisoner, Anderson, as appeared in the statement of Baker, who came from this province to identify him, has felt the horrors of such treatment. He was brought up to manhood by one Mr. Burton, and married a slave on a neighbouring property, by whom he had a child. His master, for his own purpose, disregarding the relationship which had been formed, sold and transferred him to a person at a distance, to whose will he was forced to submit. The laws of Missouri, enacted by their white oppressors, while they perpetuate slavery, confer no rights on the slaves, unless it be the protection of their lives. Can it, then, be a matter of surprise that the prisoner should endeavour to escape from such a degrading a position; or, rather, would not be a cause of surprise if the attempt were not made? Diggs, though he could have no other interest in it than to prevent which binds shareholders for their common interest to prevent the escape of their slaves, interfered to prevent the prisoner getting beyond the bounds of his bondage; and with his slaves pursued and hunted him, with a spirit and determination which might well drive him to desperation; and when at length the prisoner appeared within reach of capture, he, with a stick in his hand, crossed over a fence and advanced to intercept and seize him.

★ ★ ★

THE prisoner was anxious to escape, and in order to do so made every effort to avoid his pursuers. Diggs, their leader, on the contrary, was anxious to overtake and come in contact with the prisoner for the unholy purpose of riveting his chains more securely. Could it be expected from any man indulging in the desire to be free, whose nature has implanted in his breast, he should quietly submit to be returned to bondage and to stripes, if by any use of his strength, or any means within his reach, he could emancipate himself? Such an expectation, it appears to me, would be most unreasonable, and I say that, in my judgment, the prisoner was justified in using any necessary degree of force to prevent what to him must inevitably have proved a most foul evil.

He was committing no crime in endeavouring to escape and to better his own condition; and the fact of his being a slave cannot, in my humble judgment,

(Continued on next page)

THE NEGRO IN ONTARIO IN THE NINETEENTH CENTURY

The story of the Negro in Ontario begins with the earliest British settlement in the province. A few of the Loyalists brought Negro slaves with them into exile. The bondage and oppression of those early years is illustrated in a remarkable Exhibition of Ontario Negro history, prepared by the Toronto Negro Business and Professional Men Association at the Toronto public Library in November.

*I'm on my way to Canada,
That cold and dreary land;
The dire effects of slavery
I can no longer stand. . . .
Farewell, old master,
Don't come after me,
I'm on my way to Canada
Where colored men are free.*

—Fugitive Slave Song.

Among the items on exhibit was an advertisement in Ontario's first newspaper, the Gazette offering a Negro man and her son for sale at \$200 and \$100 respectively, a slave ring from a man at Amherstburg, a letter from a runaway slave who had reached freedom in Schenectady. However, for the children of these slaves Ontario held hope; in 1793 the first parliament of Upper Canada passed a law forbidding the importation of slaves, and automatically freeing the children of slaves when they reached the age of twenty. Thus slavery in Ontario lasted for one generation.

After the War of 1812 in which Ontario's Negroes fought gallantly, the Negro community was steadily increased by the arrival of runaway slaves from the Southern States. As early as 1817, the British Government refused to accede to American demands that such slaves be returned. "Every man is free who reaches British ground." As the years went by, more and more slaves found freedom by following the Underground Railway to Ontario. By 1851 there were more than 35,000 coloured people in the province, out of a total population of 952,000. Many of these lived in the south-western part of the province, with thriving communities at London, Dresden, and in the Chatham and Windsor areas.

The Toronto exhibition showed not only the history of the Negro in Ontario in the nineteenth century, but also something of his relations with his white neighbour. There were examples of early discrimination and bigotry, as well as evidence of cooperation and

mutual respect. On the one hand there is the report of a public meeting in Chatham in 1850 urging Negro segregation; on the other the Mayor of Toronto in 1843 forbade a circus from performing Negro songs, "to save the feelings of the gentlemen of colour".

SET THE PRISONER FREE

make that a crime which would not be so if he were a white man. If in this country any number of persons were to pursue a coloured man with an avowed determination to return him into slavery, it cannot, I think, be doubted that the man pursued would be justified in using, in the same circumstances as the prisoner, the same means of relieving himself from so dreadful a result. Can, then, or must, the law of slavery in Missouri be recognized by us to such an extent as to make it murder in Missouri, while it is justifiable in this province to do precisely the same act? I confess that I feel it too repugnant to every sense of religion and every feeling of justice to recognize a rule, designated as a law, passed by the strong for enslaving and tyrannizing over the weak — a law which would not be tolerated for a moment, if those who are reduced to the condition of slaves, and deprived of all human rights, were possessed of white instead of black or dark complexions.

THE Declaration of Independence of the present United States proclaimed to the world that all men are born equal and possessed of certain inalienable rights, amongst which are life, liberty, and the pursuit of happiness; but the first of these is the only one accorded to the unfortunate slaves; the others of these inalienable rights are denied, because the white population have found themselves strong enough to deprive the blacks of them. A love of liberty is inherent in the human breast, whatever may be the complexion of the skin. "Its taste is grateful, and ever will be so, till nature herself shall change;" and, in administering the laws of a British province, I can never feel bound to recognize as law any enactment which can convert into chattels a very large number of the human race. I think that on every ground the prisoner is entitled to be discharged.

FOR YOUR INFORMATION

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

★ ★ ★

PUBLICATIONS AVAILABLE:

YOUR RIGHTS ARE PROTECTED

A new leaflet outlining in brief the program of the Commission. Useful for widespread distribution.

★ ★ ★

GUIDE FOR EMPLOYERS

A new brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

★ ★ ★

THE ONTARIO HUMAN RIGHTS CODE

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Roberts, Prime Minister of Ontario. Available in English and French.

★ ★ ★

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres, etc. Available in English and French.

★ ★ ★

UNITED NATIONS PUBLICATIONS

The Commission has a limited quantity of the UNIVERSAL DECLARATION OF HUMAN RIGHTS.

★ ★ ★

HUMAN RIGHTS IN ONTARIO

A new pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario.

★ ★ ★

Address requests to:

**Ontario Human Rights
Commission**

8 York Street, Toronto, Ontario

By DANIEL G. HILL

Commission Round-Up

ON the eve of the fifteenth Anniversary of the Universal Declaration of Human Rights, our Commission can take pride in having promoted a vigorous program in education, research and enforcement to secure these rights for all of the residents of our province.



Daniel G. Hill Since June, the Commission has investigated and conciliated approximately seventy cases of discrimination, the bulk of which were in the area of housing and employment. Public accommodation cases accounted for ten of this number and six cases involved notices and publications of a discriminatory nature.

This figure indicates a sharp increase in the number of cases handled by the Commission but we suspect that even this does not reflect a true picture of discrimination in Ontario. We have documented cases in which complainants have reported discriminatory practices to the Commission but who later declined to sign a formal complaint. Too often, even when the facts support a complainant's suspicions, fear of publicity or personal involvement has served to discourage individuals from following through with a formal complaint. It is our aim, therefore, to reassure the public that it is a mark of a good citizen to report acts of discrimination. In most cases landlords and employers, when confronted with a complaint, are most cooperative in reviewing and changing their policies.

A REVIEW of some of our most recent cases is worth noting: A proprietor of several summer cottages had denied a cottage to a Negro family. At a conciliation meeting the cottage owner and his attorney expressed their feeling that the original policy was unsound and an insult to the dignity of Negroes and the general community. The family received an apology and an invitation to rent a cottage the following summer.

A landlord had feared the reaction of other tenants and neighbours to an Indian woman becoming a tenant. A Catholic priest offered his services to the Commission and the neighbours and landlord were convinced that their fears and suspicions were unfounded and contrary to their professed religious beliefs.

A real estate firm from Florida advertising lots for sale has been denied the privilege of selling property in Ontario

because of its policy to sell only to white customers. In conciliating this case the Commission received the fullest cooperation from the officials of the Canadian National Exhibition and the province's Department of Insurance. The firm, which has in the past advertised its sale of lots at the CNE will no longer be rented space at the Ex. The Department of Insurance, through the Real Estate and Business Brokers Act, has assured the Commission that it will not approve any prospectus of a firm whose policies are contrary to public policy in the Province of Ontario.

SINCE June 1st, members of our staff have made twenty-five public appearances. Of these, fifteen have been speeches to gatherings representing a wide cross-section of organizations, such as Home and School Associations in Toronto and London, the Y.W.C.A., the Frontenac Teachers' Association in Kingston, the Osgoode Hall Legal and Literary Society, a summer camp in the Fort Erie district, a summer school session of the Technical Schools of Ontario. In addition, the Commission has participated in four panel discussions planned by organizations in the community: a conference on "Discrimination in Canada", sponsored by the Jamaican Canadian Association in Toronto; the third Annual Conference on Intergroup Relations organized by the Ontario Welfare Council and held at Port Elgin, Ontario; a meeting of the United Packinghouse Workers in Peterborough; and a conference on human rights held by the London and District Labour Council.

During the summer, some 90,000 copies of the display scroll of the Code were distributed to churches, schools, municipal offices, resorts and hotels, industries, libraries, newspapers, Chambers of Commerce and Boards of Trade.

Two articles by the Director have been published in recent months: "Negroes in Toronto, 1793-1865" which appeared in the June issue of Ontario History published by the Ontario Historical Society and an article co-authored with the Assistant Deputy Minister of Labour, T. M. Eberlee on the Ontario Human Rights Code and the Commis-

sion will appear in the January issue of the University of Toronto Law Review. In addition the Director took an active role in the preparation of an exhibit on "The Negro in Ontario in the Nineteenth Century" held in the Fine Arts Gallery of the Toronto Central Library in November.

THE Commission's research project on the problems of discrimination facing ethnic communities in Windsor and Hamilton is proceeding as scheduled. On October 4th, Dr. Michael A. and Dr. Rudolph Helling, directors of the project, met in Windsor and gave the Commission a general review of their efforts to date.

Preliminary interviewing has already taken place among members of the Negro, Italian and Asian communities. During the two-day meeting questionnaires and schedules were revised and put in final form.

Lastly, Miss Eva Li, a graduate student from the University of Hong Kong and the London School of Economics, currently enrolled at the University of Toronto School of Social Work, will develop a special project among members of the Toronto Chinese and Indian communities in order to strengthen the Commission's effectiveness among these groups.

Herbert A. Sohn Joins Staff

HERBERT A. SOHN, formerly Assistant Program Director of the Toronto Y.M.H.A. and previously associated with a number of social work and community organizations, joined the Commission staff in June. Currently in charge of the conciliation program, Mr.



will also supervise a joint project between the Commission and the University of Toronto School of Social Work among members of the Indian and Chinese communities.

Mr. Sohn holds a B.A. from the University of Florida, and the Master's Degree in Social Work from the University of Toronto. His thesis, entitled "Employment Practices in Ontario" assisted the Commission greatly in its organization program under the Ontario Human Rights Code.

In welcoming Mr. Sohn to the staff, Mr. Louis Fine said that the Commission was indeed fortunate to acquire a person with Mr. Sohn's ability and outstanding professional qualifications.

HUMAN RELATIONS

PERIODICALS READING ROOM
(Humanities and Social Sciences)

May-June, 1964



MAY 27 1964

No. 9

PREMIER FORECASTS ONTARIO MAGNA CARTA TO SAFEGUARD FUNDAMENTAL LIBERTIES

LIBERTY is not only the people's prerogative, but the prerequisite to their abundant life" said Premier John Robarts in announcing to an auditing Legislature the appointment of a Royal Commission to conduct an exhaustive inquiry into the whole field of civil liberties.

In making his announcement Premier Robarts said: "Any action along the lines I have indicated will have a far-reaching effect upon the people of our
(Continued on page 2)



James C. McRuer

The Commission will be headed by the distinguished Canadian Jurist, Honourable James C. McRuer, Chief Justice of the Supreme Court of Ontario.

Among the matters to be referred to the Commission are the following:

Examination of the relationship between the state and the individual and the power of encroachment which may be contained in all existing legislation and which may be sought in future legislation.

The means necessary to maintain and strengthen the guarantees of civil liberties which are inherent in our citizenship and in the great tradition from which it has evolved.

Examination of the present authority granted to boards and commissions, both in their administrative functions and their investigative powers.

A review of the right of appeal granted to individuals from the decisions of boards and commissions, including the powers they have been granted by statute over a long period of years.

The desirability of the creation of the position of Public Defender, the enactment of a comprehensive Civil Rights Code, which might be an extension of the present Ontario Human Rights Code; or the adaptation of the Canadian Bill of Rights in relation to the powers of the province.

The necessity of safeguarding the rights of our people against the actions of future governments — in short a Magna Carta for Ontario based upon the principle of the Great Charter.



SAFEGUARD FUNDAMENTAL LIBERTIES

(Continued from page 1)

province. It should, therefore, be conducted in an atmosphere as remote as possible from party politics. These are not matters to be dealt with in the heat of political partisanship but should be brought under the close scrutiny and calm judgment of the judicial mind."

A partial text of Mr. Roberts statement follows:

IN recent weeks we in this Legislature have had to deal with the rights and privileges of individuals in our society, particularly in relationship to the needs of our society as a whole. We have had to consider ways and means of protecting ourselves not only from criminal elements, but also from a host of other practices and procedures that have grown up in our increasingly complex community life.

Among other things we have all become sharply aware of the ever-increasing role of the state in the evolution of our way of life. Those of us who sit in this Legislature are particularly aware of the continuous pressures that are placed upon government to assume a larger, and ever larger, role in the affairs of our people. To put it another way, over the years in the development of our Canadian nation, there has been a continuous evolution and growth of the traditional parliamentary powers of our legislative bodies and a continuous expansion of the role of the state in our day to day living.

This growth has come about through constitutional development, by the enlargement of administrative practices, and as a consequence of the constant expansion of the authority of governments. Changes have occurred as new precedents have been established to meet the needs of the day. New concepts, and new relationships, have arisen between the individual and the state. These have lead to many readjustments in the internal structure of the body politic, and to many changes and adjustments in our society itself. Perhaps the most marked of these have been the readjustments of the human rights and liberties of the individual in his relationships with the state, and its emanations.

★ ★ ★

IN carrying on the affairs of government, here in Ontario, within the bounds of the autonomy granted by the British North America Act, this province possesses authority broad-based on a very secure foundation. We have the authority to delegate certain powers to boards, agencies and tribunals created by this Legislature. Interwoven with these functions, of course, is the traditional, time

honoured and sacred position of our judiciary and courts.

As our province grows and social change takes place, we must in our wisdom proceed in such a fashion that we do not impose limitations upon, or interfere with the inherent rights of, the individual citizen with whose welfare we are entrusted.

In the opinion of the Government, the time has now arrived when we should pause to examine, with the greatest of care, changes that may have taken place which increase the power of the state to the detriment of the individual and his basic liberties and freedoms. We must ask ourselves if we are providing adequate safeguards to protect the rights of our citizens, even as we seek to solve some of the aggravating problems that face us.

★ ★ ★

IN the debates of recent weeks concerning amendments to The Police Act, I assured the Legislature and the people of Ontario that I personally, and the Government which I have the honour to head, will not for one moment tolerate legislation which infringes upon or jeopardizes in any way, the rights and freedoms of the individual. It seems timely, therefore, that we should examine and investigate the whole question of the relationship between the state and the individual, and the power of encroachment which may be contained in any existing legislation and which may be sought in any future legislation. Moreover, it is timely that we should look to the guarantees of civil liberties and of the freedoms inherent in our citizenship and in the great traditions from which they have evolved.

Among other things we must concern ourselves with the authority granted to boards and commissions, both in their

administrative functions and in their vestigative powers. We must review the right of appeal from the decisions of boards and commissions, and we must also review the powers that may have been granted by statute over a long period of years.

We must examine very closely various means that can be devised to strengthen and maintain these guarantees, such as the desirability of the creation of the position of a public defender, the development of a comprehensive Civil Rights Code which might be a further extension of our present Human Rights Code in which we all take justifiable pride, or perhaps the adaptation of the Canadian Bill of Rights in relation to the powers of our Province. Then, there is the whole question of safeguarding our people against the actions of future governments. In short, we must require a Magna Carta of our own based upon the principles of the original Great Charter. Any action along the lines we have indicated will have a far-reaching effect upon the people of our province.

★ ★ ★

TO this end the Government has decided to appoint a Royal Commission to conduct an exhaustive enquiry into the matters I have mentioned. I am happy, therefore, to be able to inform Honourable Members of the House that the Honourable James Chalmers McRuer, Chief Justice of the High Court, has consented to undertake this enquiry.

Chief Justice McRuer is a Jurist of distinction who has established an enviable reputation in the position he occupies.

He has been a Chairman, as well as a member, of Royal Commissions, has been pointed to enquire into matters of public concern, is eminently equipped to conduct the present enquiry, and will have at his disposal the full and complete resources of the Government and staff.

(Continued on page 8)

The Guarantees

By these Charters it is guaranteed:—

That no man shall be imprisoned or detained unless charged with an offence to which he may answer.

That no man shall be imprisoned or detained without cause being shown; and that a special order of the Crown as signified by the Privy Council is not sufficient cause.

That no man shall be imprisoned or detained without being brought to answer by due process of law.

That no freeman shall be seized or imprisoned or deprived of his liberty or property except by the lawful judgment of his equals or by the law of the land.

(From Magna Carta and the Petition of Right 1215 and 1628)

teen Ontario Employment Agencies Endorse Fair Practices Agreement

A historic agreement was signed recently at Queens Park between the Ontario Human Rights Commission and the Association of Professional Placement Agencies and Consultants and its fifteen member agencies. In signing the Declaration of Equal Employment Opportunity, Association, and its members, pledged their "co-operation to the achievement of full and equal employment opportunity for all qualified workers irrespective of race, creed, colour, nationality, ancestry or place of origin."

The Declaration was signed by the Honourable H. L. Rowntree, Q.C., Ontario Minister of Labour; Louis Fine, Chairman, the Ontario Human Rights Commission; and Mrs. M. Elizabeth Smith, Chairman of the Association of Professional Placement Agencies and Consultants.

To implement the pledge, the following affirmative action was endorsed by the Association and its members:

The promulgation of a clear policy of non-discrimination, disseminated to all supervisors and interviewers on a continuing basis.

The acceptance of job orders from employers based solely on specifications of occupational fitness and the refusal to process any job orders based on race, creed, colour, nationality, ancestry or place of origin.

The classification and referral of all qualified applicants without designations in respect of race, creed, colour, nationality, ancestry or place of origin, but on the basis of occupational fitness and the capacity to perform a given job.

A periodic review and evaluation of all referral practices, in collaboration with the Ontario Human Rights Commission.

★ ★ ★

PRESENT at the ceremony was J. B. Metzler, Deputy Minister of Labour, who commended the Association and its member agencies for the moral leadership they have displayed in this field. He said that their pledge will serve to dispel any doubts or fears which individuals and organizations in the province may have had regarding their practices.

APPAC Chairman, Mrs. Elizabeth Smith, expressed the satisfaction of the association's members at being present to publicly endorse the principle of 'Merit Employment' in Ontario." She went on to say, "I take this opportunity to express my thanks to the Members of the Commission for the positive assistance they have given over the last few months in helping our Association to work out a plan that enables us all to

move closer to our goal. . . . Today we are proud to publicly offer our complete support and co-operation to the Ontario Human Rights Commission, and are reassured by the offer of the Commission to provide educational leadership with employers, applicants and the public in general."

Louis Fine, Chairman of the Commission, described the agreement as an important milestone in the furtherance of human relations, APPAC has done more than simply go on written record in support of the Ontario Human Rights Code: "In your four points you have enunciated specific and concrete steps which you plan to undertake to ensure that human rights are not violated in employment referrals." Mr. Fine offered the Association

the active assistance of the Commission's professional staff in implementing the agreement. Pointing out that it may not always be easy and that there may be a few employers who might ask the agencies to fill discriminatory orders, he outlined three immediate steps which the Commission intended to take in collaboration with APPAC:

1. To announce the agreement to all the employers of the province, asking them to take measures beyond verbal recognition of the Code, and to review systematically the manner in which they place orders with private employment agencies.
2. To submit a detailed report of this agreement to all private employment agencies licensed by the Department of Labour, requesting that they agree to the same Declaration of Equal Employment Opportunity.
3. To establish a committee between APPAC and the Commission which will have the responsibility of carrying out this agreement and help develop a public education program throughout the province.

Mr. Fine concluded his remarks by saying that "this occasion stands out as one of the finest examples of co-operation between the business community and our Commission in promoting human dignity."



Reading from left to right in the photograph taken at the signing of The "Declaration of Equal Employment Opportunity" are the following: Mr. Louis Fine, Chairman, Ontario Human Rights Commission; Mr. J. B. Metzler, Deputy Minister of Labor; Mrs. Elizabeth Smith, Personnelle Placement Service and APPAC Chairman.

Merit Employment

By DANIEL G. HILL

IN recent months the Ontario Human Rights Commission has received numerous comments and inquiries regarding the interpretations and rulings outlined in the *Guide for Employers*. We take this opportunity, through the broader forum reached by Human Relations, to give a more detailed explanation of the Commission's position regarding the construction of employment application forms and the conducting of interviews under the Ontario Human Rights Code.



Daniel G. Hill twenty years in Canada and the United States. Furthermore, in relation to employment application forms, the *Guide for Employers*, circulated by the Commission, is directly based on similar guides published by the Federal Government and numerous other Commissions.

★ ★ ★

The Basic Philosophy

THE basic philosophy underlying Part I, Section 4.—(3) of the Code, dealing with employment application forms and interviews, is to stress the principle of merit employment and to eliminate the temptation of some employers to establish quotas, based on religion or nationality, or to bypass application forms from individuals who might well be qualified but whose group status is held against them. A further purpose is to get the qualified job applicant before the employer for a proper interview. We are convinced that some employers who would deny an applicant a job solely on the basis of non-essential questions revealed on an employment application form could be influenced to change by actually interviewing a personable, intelligent and well qualified individual.

For thirteen years, the Province has administered its legislation in respect of employment on the basis that questions regarding religion, nationality, creed, colour, race, ancestry or place of origin are non-essential because they are functionally irrelevant in terms of an applicant's qualifications or his ability to perform a given job. The temptation, therefore, must be removed in order to ensure a fair and just evaluation

of the applicant's performance qualifications. Illegal employment inquiries whether blunt or subtle, intentionally or unintentionally discriminatory, have the effect of giving the member of a minority group a feeling of second class citizenship and inferior status.

★ ★ ★

Pre-Employment and Post-Employment Inquiries

IT is not the intention of the Human Rights Code to prohibit employers from obtaining all the information about applicants which they deem pertinent, so long as the questions do not elicit information which could be used for discriminatory purposes. Furthermore, applicants should not be encouraged or prompted to volunteer information forbidden by law. However, the Code does not restrict the rights of employers to define qualifications necessary for satisfactory job performance. It simply requires that these same standards of qualifications for hiring be applied equally to all persons.

A distinction may be drawn between pre-employment and post-employment inquiries. In some cases, a question which could be construed as a violation of the Code if asked of an applicant before he has been hired, may be appropriately asked after hiring, so long as the information obtained is necessary for personnel purposes and is not used as a basis for discrimination in terms of upgrading, transferring, promoting or dismissing an employee. Documents such as birth certificates or naturalization papers, which reveal nationality and birthplace, and often religion, may not be demanded prior to hiring; likewise photographs or any evidence of race, religion or national origin. The Ontario Human Rights Commission agrees with the position stated by most other governmental bodies regulating Fair Employment Practices, that the point of hire is reached once the employer has decided to hire the applicant and has so informed him. After the applicant has been assured employment, the otherwise forbidden inquiries may be made. Thus any proof needed to support claims made by the

applicant as to residence, age and number of years of primary school education may be inspected by the employer before the individual actually goes on the payroll. Furthermore, the prospective employee must be able to produce, or after reporting for work, those relevant facts that would verify his status. If proof is lacking, the hire need not be consummated.

★ ★ ★

Photographs

THE United Church Board of Evangelism and Social Service, The Jamaican Canadian Association, The Ontario Federation of Labour, The Toronto Negro Business and Professional Men Association and the Japanese-Canadian Citizens Association have all expressed support of the Commission's recent interpretations regarding photographs. The Commission has also received correspondence stating that photographs are prohibited by practically all of the Human Rights Commissions on this continent. A significant study conducted some years ago by Dr. Stuart W. Cook (current Chairman of the Department of Psychology at the University of Colorado) entitled: "Judging Intelligence and Personality Traits From Photographs" documents the unreliability of photographs as a responsible gauge for judging prospective employees. Our Commission prohibits photographs because they might reveal the racial identity of the applicant. Furthermore, photographs are sometimes used as a screening device in order to deny employment opportunities to Asians, Negroes and others. Although it is often argued that pre-employment photographs are necessary for modern and other "before the public jobs" where a person's physical appearance is important, we recommend that the employer use other measures to determine an applicant's suitability. Photographs can be misleading, dated, "touched up", or manipulated by changing lighting effects. We also feel that if a person's physical appearance is crucial to job performance, a personal interview should be considered mandatory. However, if it poses administrative difficulties and the employer is worried about hiring a person with a noticeable skin disease, he might ask the applicant for a doctor's statement to the effect that he is free of such diseases.

★ ★ ★

Clergyman's Reference

THE Human Rights Code specifically provides that individuals should not be forced to disclose their religious identity. Therefore, requesting a letter from a minister — which might disclose an individual's religious affiliation — defeats the purpose of the legislation.

ver, an employer can certainly ask individual to provide a character reference from a responsible individual in the community without stipulating the terms; then, if a person chooses to use an employer, or anyone else, he is free to do so on a voluntary basis.

★ ★ ★

Language and National Origin

not necessary to know the national origin of the individual in order to determine his linguistic capability for a job. The Commission's position is that an employer can make the ability to speak a given language — French or English, for example — a condition of employment without asking the individual to disclose his nationality or race. A common question, "Can you speak French, English, German, etc." obviates the necessity for asking questions on ethnicity.

★ ★ ★

Religious Holidays

The Ontario Human Rights Commission has no regulatory powers in respect of religious holidays. So long as an employer abides by certain conditions relating to hours of work, statutory holidays and wages, he has every right to set the days and hours of work of his employees. If, for example, it is necessary for his business to operate on Jewish, Muslim or Christian holidays that are not considered statutory holidays, he can certainly do so without being accused of discrimination. However, we feel that an employer should explain these matters very clearly in the pre-employment interview. It is our impression that most employers are considerate and frequently make special concessions concerning the problem of religious holidays.

★ ★ ★

Employment Application Form Statistics

Since the advent of Fair Employment Practices legislation, the Commission has processed approximately 200 cases involving discriminatory employment application forms without resorting to prosecution. Furthermore, only one public hearing was held, involving a city government, while over forty other municipal governments and departments have voluntarily changed their forms to comply with the Ontario Human Rights Code.

In our experience, once the rulings are properly interpreted, there is a desire by most employers to co-operate with the Commission's efforts. We have, also, been gratified with the increasing number of employers who voluntarily consult the Commission before preparing new employment application forms for their business.

Institute on Human Rights Held in Windsor

SEVERAL months of planning on the part of representatives of a number of major community agencies in Windsor, in co-operation with the Ontario Human Rights Commission, culminated in a two-day Institute on Human Rights held at the University of Windsor on April 24th and 25th.

The Institute was the direct result of an invitation extended to the Commission by several agencies and individuals to assist in planning a human rights educational program in the Windsor area. A Planning Committee which was set up in February agreed in principle on a long-range educational program for the community of which the Institute would be the first phase. Officially supporting the program were the following: The Community Fund and Welfare Council of Greater Windsor; the Citizenship Council of Greater Windsor; the Department of Citizenship and Immigration, the Guardian Club; the United Auto Workers; Ontario Region; the University of Windsor Department of Sociology; the Windsor Board of Education; the Windsor and District Council of Churches; the Windsor and District Labour Council; the Windsor Y.M.C.A. - Y.W.C.A.; and Mr. J. F. Laforet of the Windsor Teachers' College. A Steering Committee, under the chairmanship of Dr. Wilson Head, Social Planning Director of the Community Fund and Welfare Council of Greater Windsor, worked out the detailed plans and arrangements.

★ ★ ★

THE Institute opened with a public meeting and the keynote address was delivered by Mr. Thomas M. Eberlee, Assistant Deputy Minister of the Department of Labour and Secretary of the Ontario Human Rights Commission. Mr. Eberlee outlined the background of the Ontario Human Rights Code, the work of the Commission throughout the province and the philosophy behind some of the procedures adopted in the areas of em-

ployment and public accommodation. John Marshall, O.B.E., Associate Editor of the Windsor Star, presided, and greetings were extended on behalf of the Mayor of Windsor and of the University of Windsor.

★ ★ ★

AMONG the workshop leaders and recorders were: Mike Andrassy, Executive Secretary of the Windsor Y.M.C.A. - Y.W.C.A.; Dr. J. K. A. Farrell of the Department of History, University of Windsor, and President of the Citizenship Council of Greater Windsor; J. D. Geller, of the Windsor News Company Limited; Charles Gordon, Director of Personnel for Hiram Walker and Sons Limited, and President of the Windsor Chamber of Commerce; Rev. Canon Graham Lethbridge, Chairman of the Social Action Division of the Windsor and District Council of Churches; Miss Elizabeth Magee, Head Librarian of the Carnegie Public Library; A. Maxwell, Windsor and District Labour Council; and Ivan W. Thrasher of Thrasher Realty Limited. Commission Director Dr. Daniel Hill, G. R. Carroll of the Federal Department of Labour and A. Alan Borovoy of the Labour Committee for Human Rights acted as Workshop Advisors.

Attending the Institute were representatives from business and industry, real estate, labour, churches, schools, educational institutions, social agencies, service clubs, and from the legal and medical professions.

The Commission expects that the Institute will serve as a model which will be repeated in other areas in the province.



*"What's his race or religion
got to do with it —
HE CAN PITCH!"*

FIGHT FOR Racial and Religious Understanding

Magna Carta*

(1215-1964)

BY PROFESSOR WILLIAM S. McKECHNIE

SEVEN hundred (749) years ago, at a meadow on the Thames between Staines and Windsor, known as Runnymede, a spot thereafter hallowed for all lovers of England of freedom, King John, bending before a storm he had raised but could not lay, set the great seal of England to a Charter of Liberties. The event proved memorable in many ways, but pre-eminently because of its clear enunciation of the principle that the caprice of despots must bow to the reign of law; that the just rights of individuals, as defined by law and usage, must be upheld against the personal will of kings.

John Lackland, in acceding to the demands of his barons, under picturesque and memorable circumstances, tacitly admitted the doctrine of later constitutional law that rulers are accountable for the use they make of their sovereign powers. The royal surrender at Runnymede thus presaged the darker tragedy enacted at Whitehall, four centuries later, when the chief exponent of the Stewart doctrine of the Divine Right of Kings died a martyr to his faith. In 1215, King John, sorely against his will, was forced to take the first painful step on that road of constitutional progress that led, in the course of centuries, to the firm establishment of the modern doctrines of the Royal Impersonality, and the Responsibility of Ministers for the actions of their King.

★ ★ ★

THE events that led to so notable a surrender must be briefly told. John's father, Henry Plantagenet, a prince endowed with a double portion of the untiring vigour, the ability, and the hot blood of the race of Anjou, had prepared strong foundations for his English throne. In organizing an efficient administrative system, he had strained to the utmost every prerogative of the Crown, and reduced to the narrowest limits the franchises and privileges and independence of the great feudatories, his earls and barons. With one hand he had increased in frequency and amount every one of the galling feudal services and incidents performed by his vassals; with the other, he had curtailed their profitable franchises, their rights of holding courts and trying prisoners.

These, then, were the two chief sets of feudal grievances felt in the thirteenth century — increase of feudal burdens and curtailment of feudal privileges — that made the barons restive under even the indomitable energy of the formidable Henry. Under Henry's hot-tempered sons, Richard and John, both forms of oppression were pressed home more ruthlessly on the tenants of the Crown; and a third set of grievances was added in the failure of both these princes, for different reasons, to continue the efficient, orderly system of Government for which the barons under Henry had paid so heavy a price; and in the employment of a class of unscrupulous foreign adventurers who were placed as officers of the royal household and as sheriffs or bailiffs in every county of the land.

★ ★ ★

EVERY feudal service and incident was made more galling by the stringent methods of enforcement John adopted. Scutages, in particular, or money paid in commutation of actual military service in the field, increased in frequency and in amount, and became more burdensome from the rigorous manner of their exaction. Every rule of the unwritten but well-recognized feudal law was broken by John and his horde of unbridled mercenaries, such as Engelard of Cigogne, and Geoffrey of Martigny and their associates branded by name in the fiftieth chapter of Magna Carta. Cruel private wrongs, inflicted by John as a man, added to the growing flame of resentment kindled by his extortions, lawlessness, and inefficiency as a ruler.

By 1213, the barons, seething with discontent, only waited an opportunity to demand redress, with weapons in their hands. Direction and point and unity of

action were given to their endeavour when Archbishop Stephen Langton, whose name ever to be honoured by the heirs of English liberty, produced a copy of the Coronation Charter, granted in the year 1100 by John's great-grandfather, Henry I, as a model from which the might begin, at least, to formulate their claims for reform of abuses.

★ ★ ★

ONLY a fit occasion was needed for the rebellion to break forth; and the occasion came in the autumn of 1214 when John set sail from France, vanquished and humiliated by the complete failure of his grandiose schemes for winning back from Philip Augustus the lost French provinces of the Angevin inheritance, by means of a grand alliance, with the Emperor as its central figure. Returning, discomfited, on October 15, 1214, John found himself confronted with a domestic crisis unique in English history. The northern barons took the lead in demanding redress. Their cup of wrath that had long been filling, overflowed when a new scutage, at the unprecedentedly high rate of three shillings for each knight's fee, was demanded.

Roger of Wendover narrates how, after a futile conference with John, on November 4, the magnates met at Bury St. Edmunds "as if for prayers; but there was something else in the matter, for after they had held much secret discussion, there was brought forth in the midst the Charter of King Henry III, which the same barons had received in London from Archbishop Stephen of Canterbury". After binding themselves by a solemn oath to take united action against the King, the barons separated to prepare for the resort to arms, the muster being fixed for Christmas. The covenanters kept their trust; a deputation from the insurgents met John in London at the Temple on January 12, 1215; and a truce was patched up till Easter.

In April, the northern barons again met in arms and marched southward to Brackley. They were met there by emissaries from the King to inquire as to their demands; who took back with them to John a certain schedule — the rude draft that was afterwards expanded into the baronial manifesto that is today exhibited to the public in the British Museum in the same case with Magna Carta, commonly known as the "Articles of the Barons," but describing itself more fully and accurately as "Capitula quae barones petunt et dominus rex concedit".

★ ★ ★

JOHNS consent, however, was not to be easily obtained. When the embassy bore back these demands to Wiltshire where the King then was, John, liv-

*Excerpt from an address delivered on its seventh centenary, to the Royal Historical Society and the Magna Carta Celebration Committee.

fury, declared, with his favourite
emous oath, that he would never
them liberties that would make
f a slave; asking sarcastically,
do not the barons, with these
exactions, demand my Kingdom?"

May 5, the barons, having chosen
their leader, Robert Fitzwalter, ac-
cused by them as "Marshal of the
of God and Holy Church," per-
formed the solemn feudal ceremony of
homage, or renunciation of their fealty
homage, a formality indispensable
the vassals could, without infamy,
war upon their feudal overlord.
removed from their allegiance at Wal-
lard by a Canon of Durham, they
remained on London, on the attitude of
all eyes now turned with solici-
tude. When the great city opened her
doors to the insurgents, setting an
example to be immediately followed by
the towns, she practically made the
contentment of the Great Charter secure.
The Mayor of London thus takes an
honoured place beside the Archbishop
of Canterbury among the band of
nobles to whose initiative England owes
the Charter of Liberties. John, deserted
his sides, and with an Exchequer too
weak for the effective employment of
hisenary armies, agreed to a conference
on the 11th day of June, a date after-
wards postponed till the 15th of the same
month.

★ ★ ★

It was on June 15, then, in the year
1215, that the conference began be-
tween John, supported by a slender fol-
lowing of half-hearted magnates, upon
the one side, and the mail-clad barons,
aided by a multitude of determined and
well-armed knights, upon the other. The
conference lasted for eight days, from
Monday of one week till Tuesday of the
next. On Monday the 15th, John set
his hand to the demands presented to him
by the barons, accepting every one of
the forty-eight "Articles," with the ad-
ditional "Forma Securitatis" or executive
clause, vesting in twenty-five of their
number full authority to constrain King
John by force to observe its provisions.

This was merely a preliminary mea-
sure. Numerous minor points had yet to
be adjusted before the final settlement,
which took place on Friday, June 19,
when the completed Charter, containing
the substance of the Articles in an altered
sequence, and with numerous additions
and amendments as to points of detail,
was also sealed, not merely in duplicate
triplicate but in considerable numbers.
Each of the great English Cathedral
arches in particular receiving a cer-
tified parchment for its own. Four of

1649

"THE LAWS OF ENGLAND KNOW YOU NOT"

ON Wednesday, March 28th, 1649,
between four or five in the morn-
ning, Lieut.-Col. John Lilburn and
others were arrested and taken before
the Council of State to be questioned
on the authorship of a supposedly
seditious pamphlet. Here is Lilburn's
story of his examination by Bradshaw,
President of the Council:

Mr. Bradshaw said to me to this
effect: "Lieut.-Colonel Lilburn, this
Council judge themselves bound to
demand of you this question, whether
you made this book, or were privy to
the making of it or no?"

To which I said, "I am an English-
man born, bred and brought up, and
England is a nation governed, bound-
ed and limited by laws and liberties.
And the laws and liberties of Eng-
land are my inheritance and birth-
right. And sure I am that no free
man of England ought to be adjudged
for life, limb, liberty or estate, but by
the laws already in being established
and declared."

"And truly, Sir, if this be good and
sound legal doctrine (as undoubtedly
it is, or else your own declarations are
false and lies), I wonder what you
Gentlemen are. For the declared and
known laws of England know you
not, neither by names, nor qualifica-
tions, as persons endowed with any
power either to imprison or try me,
or the meanest free man of England.
And truly, were it not that I know the
faces of divers of you, and honour the
persons of some of you. I should won-

der what you are, or before whom I
am."

★ ★ ★

"MR. Bradshaw, it may be the
House of Commons has passed
some votes or orders to authorize you
to sit here for such and such ends as
in their orders may be declared, but
that they have made any such votes
or orders, is legally unknown to me.
I never saw them. But admit that the
House of Commons in good earnest
have made you a Council of State, yet
I know not what that is, because the
law of England tells me nothing of
such a thing. Surely if a Council of
State were a Court of Justice, the law
would speak something of it."

"By answering this question against
myself, I should betray the liberties
of England in acknowledging you to
have a legal jurisdiction over me, to
try and adjudge me, which I have
already proved to your faces you have
not in the least; and if you have for-
gotten what you said to me thereupon,
yet I have not forgotten what I said
to you.

"And secondly, Sir, if I should
answer to questions against myself,
and to betray myself, I should do that
which not only law, but nature,
abhors. And therefore, I cannot but
wonder that you yourselves are not
ashamed to demand so illegal and un-
worthy a thing of me as this is.

"And, in short, were it that I owned
your power (which I do not in the
least), I would be hanged, before I
would do so base, and un-English-
man-like an action, to betray my Lib-
erty, which I must of necessity do, in
answering questions to accuse myself."

*From "The Picture of the Council of
State," written in April, 1649, by Lieut.-
Col. John Lilburn, then a prisoner in
the Tower of London.

these originals still exist, two of them
in the British Museum, one at Lincoln,
and one at Salisbury. The more famous
of the Museum copies, originally
deposited in Dover Castle, is now scarred
by the marks of fire and in part illegible.

★ ★ ★

MAGNA Carta is no longer resorted to
as an indispensable storehouse of
precedents for desired reforms. Its chief
value is not now for its bearing on the
present, as it was to the men of 1215,
nor on the future as it was to the men
of 1628 or 1688, but as helpful means of
reconstructing the past. The vivid

glimpses that the Charter gives us of life
in England in the early thirteenth cen-
tury open, as it were, a window into the
past. To understand the Charter aright in
all the clauses of its sixty-three chapters,
traversing, as these do, fields both wide
and various, requires intimate knowledge
of every phase of mediaeval England,
whether feudal, social, economic, legal,
or political. From the many points at
which it touches the life and customs of
the Middle Ages, its elucidation affords
ample illustration of the principles that
must animate every teacher of history,
who seeks to gain the permanent interest
of his hearers. That root principle is the

necessity of never, for one moment, forgetting the closeness of the tie that binds the dead past to the living present.

★ ★ ★

THERE is no document, however dry and obsolete it may to-day appear, which did not spring from a human situation that was once alive with hopes and fears. The pigeon-holes of a lawyer's office, with their scores of uninteresting-looking documents, tied neatly into bundles with red tape, are, as it were, the fossil bones of human ambitions and passions and tragedies that have long since been struck cold. To the eye of imagination, however, there shines through every one of them, some ray of the sentiments and emotions with which they were once instinct. The lumbering clauses of the Articles of his Deed of Partnership cannot quite conceal the eager hopes of the young merchant making a first start in life; the Proceedings in Bankruptcy mark the close of a long-drawn agony; the Last Will and Testament suggests thoughts that run through the whole gamut of the infinite pathos of human life. Similar results flow from the application of imagination to any historical document, and notably is this true of the interpretation of Magna Carta. Read this feudal Charter apart from its historical context and without any effort of imaginative sympathy; and taking it thus, dull clause by clause, you will find it wearisome to extinction. But read it in the light of all that is known of life in the Middle Ages; read it in the light of the human passions and ambitions and wildly beating hopes of the barons in whose interests it was framed; read it in the light of its magnificent historical setting; and, behold, you have transformed the whole! What is the writ *praecipe*, or the assize of novel disseisin, or the crown's right of prerogative wardship to the men of to-day? Nothing, if we are ignorant of the once living context. Much, if we have the sympathy and historical insight to set them in their true perspective against a background of mediaeval life.

★ ★ ★

THE problem then, for the historical teacher, as for the historical researcher, is how best to reconstruct the once full-blooded life of the past out of the dry bones that now cumber the ground. The Hebrew Prophet, Ezekiel (ch. xxxvii., verses 1 to 10) has described how this miracle comes to pass: "The hand of the Lord . . . set me down in the midst of the valley which was full of bones, and said unto me. . . . Prophecy upon these bones, and say unto them, O ye dry bones, hear the word of the

Lord. . . . So I prophesied as I was commanded; and as I prophesied, there was a noise, and behold a shaking, and the bones came together, bone to his bone. And when I beheld, lo, the sinews and the flesh came up upon them, and the skin covered them above; but there was no breath in them. . . . So I prophesied, as he commanded me, and the breath came into them, and they lived, and stood up upon their feet, an exceeding great army." So only by the spirit of sympathy and the breath of historical imagination can the dry bones of history be made to live again. . . .

★ ★ ★

THE Great Charter is *great* because in ages long after its framers were dead and forgotten, it became a shield and buckler behind which constitutional liberty could take shelter. Fortified as it had been by the veneration of ages, it became a strongly entrenched position that the enemies of arbitrary government could safely hold. Apart from the salutary effect of many of its original enactments, its moral influence has steadily

contributed to an advance in the national spirit and therefore to the more firm founding of the national liberties. The value of the Great Charter has continually increased in the seven hundred years during which traditions, associations, and aspirations have clustered ever more thickly round it.

In the forefront of this long catalogue of virtues, however, there lies the one great cardinal merit of the Charter which has already been insisted on, namely that it is, in essence, an admission by an anointed king that he was not an absolute ruler; that he had a master in the laws he had often violated but now once more swore to obey; that his prerogative was defined and limited by principles more sacred than the will of kings; and that the community of the realm had the right to compel him, when he refused of his own free will, to comply. Magna Carta affirmed the doctrine that kings are accountable for their deeds, and thus paved the way for the shifting of the responsibility from the King to his ministers, holding office at the will of a Representative Parliament.

SAFEGUARD FUNDAMENTAL LIBERTIES

(Continued from page 2)

research assistance as he requires to assist him in his task.

From Chief Justice McRuer's studies and recommendations, it will be our hope and purpose to be able to draft, and to present to this House at as early a date as possible, the necessary legislation to ensure that, within the statutory powers of the province, the rights, freedoms and liberties of our people will be protected for all time.

★ ★ ★

I AM sure that Honourable Members will agree that such a task cannot be carried through in haste. It will require the most careful deliberation. One of the important lessons we have all learned in recent weeks is the unwisdom of doing things in a hurry. Someone has said that we often discover what will do by finding out in good time what will not do. I am the first to admit that we have, with the best of intentions, at times fallen into the error of haste in our zeal to solve a pressing problem. On the other hand, Mr. Speaker, I think that we might agree that it is only an error in judgment to make a mistake but it is a defect in character to persist in it after it has been discovered. The achievement is not in never making a mistake but in correcting it in good time. It is in this spirit that we are endeavouring to find the answer for what we all agree is a most serious problem.

We are confident that the course we are following will meet with the approbation of all of the Members of this honourable Assembly. We are equally confident that it will meet with the approval of the people of Ontario.

★ ★ ★

THE liberty we seek to defend is the fundamental necessity to the spiritual and material development of our society — for liberty is not only the people's prerogative but the prerequisite to their abundant life.

Mr. Speaker, let me conclude these remarks by quoting some words spoken by an Englishman who knew his rights and dared to assert them over the hundred years ago:

"For what is done to anyone may be done to everyone; besides being all of one body, one man should not suffer wrongfully but all should be sensible of the endeavour his preservation. Otherwise they give way to an inlet of the sea will and power upon their laws and liberties, which are the boundaries that keep out tyranny and oppression. A man who assists not in such cases betrays his own rights, and is over-run, and of a fellow man made a slave when he thinks not of it or regards it not; and so incurs the guilt of treachery to the present and future generations".

From The Just Defence
of John Lilburn—1643

— A TRIBUTE TO LOUIS FINE —

"MR. CONCILIATION"

RE than 500 representatives of Labour, Management, Government and Community organizations gathered at Toronto's Royal York recently, for a testimonial dinner in honour of Louis Fine, Chair- of the Ontario Human Rights Commission and Chief Conciliation er for Ontario. The dinner was organized by a committee represent- he Canadian Manufacturers Association, the Ontario Federation of ur, the Personnel Association of Toronto, and the Ontario Depart- of Labour, to do honour to an outstanding Canadian whose remark- career in the field of human relations has extended over a period of ears.

arm tributes were paid to Mr. Fine abour Minister Leslie Rowntree, r Phillip Givens, David Archer lent of the Ontario Federation of ur and Ken Hallworth of the Cana- Manufacturers Association and s. All agreed that Mr. Fine, during ong service, had contributed more can be measured to the industrial e of Ontario and to its progress as da's leading industrial community. c. Fine began his career of public ce with the Ontario Department of ur in 1934 as an Industrial Stand- Officer. His first effort as a Con- ion Officer came when he was asked ediate a dispute between the man- ent and staff of a small company ere engaged in a dispute over es. As a result of his success in ng this matter, he was given other assignments, and in 1937, the De- ment of Labour appointed him Chief iliation Officer. Since then, Mr. Fine watched the Conciliation Services lop into one of the most important ches of the Department of Labour a staff of fourteen.

★ ★ ★

From many newspaper tributes to r. Fine we reprint the following ticle by Angus Munro in the Windsor Daily Star:

GIANT in the art of compromise is coming to terms with the calendar Canada and Ontario are poorer.

Louis Fine, chief conciliation officer of Ontario labor department, is retiring '0, after an adult lifetime devoted to ing industrial disputes.

his quiet, soft-spoken man, whose in- tion in situations involving the na- 's powerful unions and industries, like balm to a troubled world of ence and hardship. "Louie," as he known to his friends, is essentially a nitarian of heroic proportions. He more than just a civic servant with dication to his job.



LOUIS FINE
"Giant in the Art of Compromise"

His appearance on the scene of a tense situation had immediate effect. It was to soothe wild tempers, to calm drastic decisions, to quell chaos and to bring men and women to their best in dealing one with the other. His gifts of compromise, conciliation and mediation have never been matched in our time.

"Louie" Fine came to Windsor as mediator on numerous occasions. His presence was a key to the success of labor ministers, union and company negotiators, mayors and politicians of other stripes. He never sought glory or credit. He did the job that had to be done. Let the kudos and the publicity settle on the heads of those whose public image was nurtured on such passing events.

Deep in their hearts, the prominent people of labor and industry knew who was their benefactor. They marvelled at his patience, his knowledge, his persistence, his faith in the goodness and fairness of mankind.

The clock might spin its 24 hours of day and night, but "Louie" was never too tired or too despaired to try again. His list of labor-management victories may never be recorded in total. They are as numberless as the sands of the seashore, for the simple reason that no one knows how many were solved before they became a crisis.

News reporters knew and admired "Louie" because he was aware of their duties and never shirked from an interview or a statement. They sought him out when labor ministers, union presidents and high-level industrialists shunned making news available. He was their friend. He held their respect and deserved it.

★ ★ ★

THIS scholarly mediator, who knows more of the secrets of unions and companies than anyone else outside their immediate plane of action, would have made a distinguished international diplomat. He chose, instead, to devote himself to meeting the issues of a developing Canadian economy, whose future rested on the ability to get along one with the other in the always hectic field of management-labor relations.

His debut, after coming to Canada as an immigrant from Manchester, Eng., was made in the turbulent Hepburn era of Ontario's swiftly developing unions and stern opposition to their advance. This was 1934, when bread and butter were issues so real they made pigmies of men without the ability to face the issues.

The history of the period resembled a jungle, with no holds barred. There was no legislation compelling collective bargaining. "Louie" Fine, in the face of powerful opposition, saw this as a need and he more than anyone else helped to pioneer its passage through the legislature. The rights of working men to deal with their employers in a legal way, with guarantees against recriminations and firings (which had been common) were part of the deal.

There were failures in his long list of successes. None regretted these more than "Louie" himself. But he always was an exponent of the belief that management and labor can work together. There appeared to be magic in his way of handling tough disputes. But he never agreed. He began by winning the respect of both sides of the bargaining table.

He constantly reminds reporters that newspapers have focussed too much space on strikes and disputes and not enough featured news on the settlements, which, in fairness to all concerned, far outnumber the crises in industry bargaining.

Negro And White Parents Condemn High School Blackface Performance

THE protest of a group of Negro and white parents against a blackface performance in Amherstburg High School was brought to the floor of the Legislature recently by Donald Paterson, member for Essex South.

Mr. Paterson quoted from a brief prepared by the parents which expressed the fear that such incidents, if allowed to continue "would leave ugly scars and cause even greater misunderstanding."

He asked if it was the policy of the Department of Education to allow entertainment and text books in schools that contain derogatory and stereotyping references to minority and racial groups.

William Davis, Minister of Education replied that the School Administration Act permits a school board to allow school building to be used for any purpose it considers to be proper. The Minister went on to say that the publishers of textbooks containing any references considered objectionable to any person are asked to remove these and the department makes future use of the books conditional on such deletions.

★ ★ ★

A partial text of the submission to the Board of the Amherstburg High School by a Citizens Committee headed by George F. McCurdy appears below:

Of Concern to Everyone

"THIS submission represents widespread concern and an innate desire for implementation of a lasting policy to meet the problem which has become a source of consternation to the parents, and embarrassment to Coloured students attending General Amherst High School.

Many white parents have indicated keen understanding and have signified interest in supporting the action we take at this time. Their concern, based on good citizenship and fairness, is much appreciated. This is unquestionably a problem of concern to everyone in this community, but in view of the incendiary nature of this problem, we have chosen to confine our efforts to a single expression from Amherstburg's Coloured community.

We have chosen this approach because it is our belief that we are dealing with men of understanding and concern for sound relationships, without embarrassment or irritants, between all students attending General Amherst High School.

BLACKFACE INSULTING

Negro students at Amherstburg, Ont., High School, and their parents, were angered by a blackface act in a recent student variety show at the school. They had a right to be angry and they did well to protest.

Blackface may be an old tradition in showbusiness, often done unthinkingly. The young performer's intentions no doubt were innocent. Several teachers at the school may, as they said, have seen nothing wrong with it.

But it is precisely this thoughtless acceptance that makes blackface so objectionable. Blackface depicts the Negro as a shiftless simpleton. That there are whites who can see nothing wrong with this themselves, and cannot even understand why the Negro should object to it, shows how much thoughtlessness there has been even among those who consider themselves unprejudiced.

(Ottawa Journal)

Much deliberation has been given this submission. Our objective is to win your understanding and cooperation without igniting the passions that might leave ugly scars and even greater misunderstanding.

★ ★ ★

Schools Must Not Breed Prejudice

THE great principle of justice has not been served when one measures this particular type performance only by the thorough enjoyment of many white students. No one can reasonably argue that the assessment stops at that point of consideration.

One must not overlook or underestimate the fact that the performer only wears the black or brown makeup for one day and one performance. This, on the other hand, is a permanent, God-given makeup which the coloured student wears from day to day. He is proud of his colour and racial origin, but he knows from experience or by reading the daily newspaper, that the colour of his skin may bring discrimination in places of accommodation or denial of job opportunities. He knows that stereotyping of his race is the main contributing factor to prejudice and discrimination.

We find in too many cases, registered with the Ontario Human Rights Commission, that the Coloured male or female owes his job to Provincial legislation. The service afforded in public places is sometimes only possible through enforcement of the Fair Accommodation legislation.

Now Ontario has the finest, most comprehensive Human Rights Code on the North American Continent. We cannot however, legislate against prejudice. Everyone seems agreed that prejudice should be combated by education. The school, therefore, must not become a breeding ground for prejudice, out of ignorance.

We depend upon this generation to correct the horrible injustice of the person sometimes occupying the chair behind the employment desk with an erroneous image of the coloured person as being typical of the slow moving, shiftless person with the so-called dialect of the Negro. Irrespective of how a coloured applicant may dress, talk, walk, or what qualifications he presents, he has this stereotype to overcome. There is little hope if this image is to be perpetuated in our schools.

In concluding this phase of the discussion, we call upon a quote from C. Bowersox which adequately expresses our thinking on this point: "The great curse permeating the world today is that everything is good that does not adversely affect me".

★ ★ ★

Inherent Dignity

IT is important that those in the teaching profession teach our children to give and take. As parents, it is recognized, we have a responsibility to guard against our children becoming supersensitive in their relationship with other students.

Above all else, however, the teacher must guide our children in daily living, studying and working together as members of the human family. Giving cannot mean that one must forego inherent dignity to give the appearance of a peaceful, pleasant relationship. Peaceful relationship without fairness and justice is too great a price to pay.

Is the coloured student expected to accept the familiar epithets flowing from the old minstrel (Rastus, Sambo, etc.) with the feeling that he must not be a little, that he must feel no resentment but that he must grin and bear it without saying anything — It is no longer necessary to take these insults in this competitive world of ours.

We are paying for these shameful insults, which the Negro is expected to passively accept, in the eyes of a critical world.

commend

arge you to consider the number of
ays, subtle and overt, by the tone
voices, by conversation, by enter-
ent of this description, through our
oks, we can encourage the wrong
g about other races, religions and

late John F. Kennedy asked the
on "who among us would be con-
o have the colour of his skin
ed and stand in the Negro's place.
knew that he could not enjoy the
d free life which all of us want?"

wonder who would wish to ex-
e places with the Coloured student
sits in a classroom or auditorium
classmates while his race is being
ted in an unfavourable light.

ere is evidence that attitudes and
types are being submerged in the
ss of transition, and the sky has not
down. It has become passe to pre-
he Negro in this light in the enter-
ent field, in radio or in television.
yrics of Swanee River and other
familiar to the Minstrel circle have
observably changed to prevent the
problem we are discussing — when
you last heard "There's where the
arkies stay"?

urge you, in the interest of sound
onship between students in the
ol, to give consideration to adoption
he following recommendations to
ulate future policy in these mat-

That no minority group, including
Negro, shall be portrayed in un-
favourable light or stereotyped in
future school plays under direction
and sponsorship of the Amherstburg
High School. Teacher supervision
shall be established as a guarantee
against revival of this objectionable
form of entertainment.

Textbooks following the derogatory,
stereotyping lines shall not be used
in Classroom lessons.

That, as a matter of future policy,
new staff members shall be advised
of the board policy established along
these lines.

In order to enlist the greatest pos-
sible staff cooperation in establish-
ing this equitable policy, copies of
this submission should be provided
to staff members to cultivate under-
standing of the feeling behind the
implementation of Board policy.

That the Minister of Education
shall be advised of the policy move
taken by the Board. The Honour-
able Minister should be requested
to take similar steps, in the provin-
cial education system, to establish
province-wide policy."

LETTERS

A RECENT news item reported that the Association of Tourist Resorts of Ontario are thinking of defying the Ontario Human Rights Code by requesting job applicants to send photos along with their applications.

The tourist resort owners seem to have difficulty in separating good chefs from incompetent ones, good bell boys from incompetent ones, etc., without an attached photograph.

Tourist resort owners' memories are indeed short. Some years back the tourist resort owners had no difficulty in denying accommodations to Negroes and Jews purely on the basis of information contained in letters asking for accommo-

dations.
In 1961, a mail survey of a large sample of more than one hundred Ontario summer resorts indicated that more than one third of the resorts surveyed discriminated against persons with Jewish names requesting accommodations. In 1962, a Negro family writing for accommodations was discriminated against by close to fifty percent of the tourist resorts surveyed.

The results of these surveys were pub-

licized in the press and the tourist resort owners smarted under the public criticism.

Apparently they are still smarting. I have no doubt that among those tourist resort owners, caught with their discrimination showing, the current criticism of the Ontario Human Rights Code is an attempt to get their own back.

I would urge public support for the effective enforcement of the Ontario Human Rights Code in case the tourist resort owners go through with their threat.

Tourist resort owners are no more immune than other business proprietors in Ontario in their responsibility to observe non-discrimination hiring procedures and practices. This means a decision based on the qualifications and references appearing on an application form — not in a photo.

Hamilton, Ontario.

Sid Blum



Courtesy Windsor Star

PARTICIPANTS IN THE WINDSOR INSTITUTE ON HUMAN RIGHTS

Left to Right — Dr. Wilson Head, Director Social Planning Windsor Community Fund and Welfare Council, Thomas Eberlee, Assistant Deputy Minister of Labour, John Marshall, O.B.E., Associate Editor Windsor Star; Dr. Daniel G. Hill, Director Ontario Human Rights Commission.

Commission Round-Up

SINCE the beginning of the year, the Commission has investigated and settled approximately fifty cases of alleged discrimination, the bulk of which were in the area of employment. The majority of these cases dealt with improper oral and written pre-employment inquiries as well as requests for photographs of job applicants. Ten of the fifty cases involved alleged discrimination in hiring or conditions of employment. Public accommodation cases accounted for three while two involved notices and publications of a discriminatory nature. In addition, over one hundred referrals — involving complaints outside of our jurisdiction — have been made to other governmental bodies, the legal aid clinic, family service and mental health agencies.

★ ★ ★

A BOARD of Inquiry was held in February before Judge J. C. Anderson involving a violation by the City of Ottawa of the Ontario Human Rights Code. Complaints filed with the Commission by Noel Lomer of Ottawa and the Ontario Labour Committee for Human Rights, showed that the application forms used by the City of Ottawa inquired into the nationality, citizenship, religion and place of birth of employment applicants. Under the terms of the settlement, the City of Ottawa agreed to comply with the Ontario Human Rights Code and to change their application forms. Copies of the city's revised forms have recently been received by the Commission.

Many complainants are still unwilling to sign a formal complaint, which must be received by the Commission before an investigation can be conducted. The Commission has no way of ascertaining how many instances of discrimination are not reported to us. However, in most cases landlords and employers, when confronted with a complaint, are most co-operative in reviewing and changing their policies.

An important agreement in the matter of employment was reached during this period with the Association of Professional Placement Agencies and Consultants. Fifteen large Toronto private employment agencies individually and through their organization, APPAC, signed a four point Declaration of Equal Employment Opportunity aimed at preventing clients from using these agencies for discriminatory hiring purposes. The member agencies of APPAC have pledged their co-operation to the principle of merit employment for all qualified workers irrespective of race, creed, colour. Details of this declaration are reported elsewhere in the bulletin. Studies have recently been conducted through Mrs. Eva Li Ko, a post graduate

"Get rid of your own prejudices and there will be one less bigot in the world."

—Anon

student from Hong Kong, into the Indian and Chinese communities of Toronto. Mrs. Ko, who was placed with the Commission for field work by the School of Social Work of the University of Toronto, has helped the Commission to become better acquainted with the problems of these communities and to deal with their human rights problems in a more effective manner.

★ ★ ★

THE Commission's staff have given twenty-three addresses to a wide cross-section of meetings of organizations. Included among these were: Winston Churchill Collegiate Institute school assembly; the Niagara District Personnel Association in St. Catharines; the Japanese-Canadian Citizens Association Annual Dinner; the Association of Administrative Assistants; the Social Service Club at the University of Western Ontario in London. The Director also addressed a score of Church groups and participated in six radio and television broadcasts on human rights.

On December 10th, the Commission participated in observances of Human Rights Day held simultaneously in Toronto, under the auspices of the United Nations Association, and in Ottawa, under the auspices of the Canadian Anniversary Committee for Human Rights. The Commission assisted actively in the planning of an Institute on Human Rights held in Windsor on April 24-25 and reported elsewhere in this issue, and took part in the annual conference of the Toronto Labour Committee for Human Rights.

ON two different occasions, the Commission was responsible for the production of public service announcements which were distributed to Ontario broadcasting stations. Spot announcements consisting of slides and a script, were distributed to the eighteen Ontario television stations. A one-minute pictorial announcement was prepared and distributed to the eighteen TV stations, and spot announcements were distributed to sixty-eight radio stations. Public service space was also provided by the Thomson and other Ontario newspapers which reprinted the full text of the Ontario Human Rights Code in conjunction with Human Rights Day. A large number of Ontario municipalities officially proclaimed December 10th as Human Rights Day.

★ ★ ★

A NEW pamphlet, *Human Rights in Ontario*, was published in early January and over 7,000 copies have already been distributed. A new list of human rights films was also prepared and made available to organizations in the province.

An annotated bibliography has recently been prepared in co-operation with Dr. Jean Burnet of the University of Toronto's Department of Sociology and will soon be published.

Approximately two hundred requests a month have come in for the Commission's literature and for information about the Commission's activities.

Finally, during the past two months Mrs. Charlotte Reid has been engaged as a Consulting Librarian to establish the Commission's library on Human Rights. It is hoped that the library will be a repository of information on published activities of human rights organizations, both voluntary and governmental, in Canada.

HUMAN RELATIONS

Vol. 5 - May-June, 1964 - No. 1

Published by the Ontario
Human Rights Commission
Department of Labour

8 York Street, Toronto

Hon. H. L. ROWNTREE
Minister of Labour.

LOUIS FINE, *Chairman*
THOMAS M. EBERLEE, *Secretary*
Dr. DANIEL G. HILL, *Director*
Joyce Applebaum,
Gordon Greenaway,
J. F. Nutland, *Members.*

Address all correspondence to:
Ontario Human Rights Commission
8 York Street, Toronto

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

December, 1964

PERIODICALS READING ROOM
(Humanities and Social Sciences)

No. 10

Social Justice for Canada's Indians

ER two hundred thousand Indian Canadians — the descendants of our original inhabitants — now live outside the main stream of their country. They are deprived of the social justice, human dignity, the equality of opportunity which other twentieth century Canadians have as their heritage.

is a very old story and brings to the stern rebuke voiced in an earlier period by Pauline Johnson:

They but forgot we Indians owned
the land
from ocean unto ocean: that they
stand

upon the soil that centuries ago
was our sole kingdom and
our right alone.

DAY, in many parts of Canada, Indians are penned up in slums reminiscent of the most backward parts of the world.

In the opinion of the Canadian Weekly correspondent, Jeannine Locke, who recently spent several months studying Indian communities from Moosonee to Queen Charlotte Islands in British Columbia, the gap between the world of the Canadian Indian and his white neighbor "is far wider now than it was centuries ago when European settlement of Canada began."

Among the shocking statistics cited by Jeannine Locke are the following:

Indian infant mortality is tragically higher than the national toll — out of every 1,000 live births 74.7 (against 27.2 for the whole of Canada) will not survive.

More than half of all Indian families occupy sub-standard homes or shacks of three rooms or less, without electricity.

Where close to 90 per cent of white homes have sewerage, indoor toilets and baths, a minority of Indians — about one in nine, enjoy such ordinary aids to health and self esteem.

In Moosonee only one in four Indian children reach Grade 8 — the end of local education. The majority drop out at Grade 6 and it is not unusual for a Moosonee Indian at 16 to have advanced no further than Grade 3.

It is these ugly facts and others contained in the two documents published elsewhere in this issue, that caused the segregationist Governor of Alabama to tell Canadians who taunted him during his visit to Toronto — "If you've got any moral crusade to run, you can run it in your own country."

Some Canadians began that crusade several years ago; among them the National Indian Council and the Indian-Eskimo Association, an organization devoted to the advancement of Canadians of native ancestry.

Several Departments of the Ontario Government have recently made a joint study of Indian problems and are now engaged in active discussions with the Dominion Government, in an effort to overcome some of the jurisdictional barriers which have for so long thwarted the ends of justice for our Indian population.

The Ontario Department of Welfare now has a full time Indian Affairs officer, and the Ontario Human Rights Commission will shortly have a full time member of the staff devoting his attention to the Indian Communities throughout the Province.

The Minister of Education is now giving careful consideration to a number of recommendations by a special inter-department Committee of Inquiry which visited Moosonee in September

★ ★ ★

A GAINST the background of these promising remedial actions we commend to our readers the two penetrating social documents prepared by E. R. McEwen and P. E. McRae, and we trust that after reading them, they too, will want to join in the crusade to win for our Indian brethren the same full measure of social justice and human dignity which we all desire for ourselves.

Human Rights Day—December 10th—is an appropriate occasion for all Canadians to consider their unfulfilled obligations and re-dedicate themselves to the unfinished task.



WHAT ABOUT THEIR FUTURE?

FRYNDLONIS

Equality Of Opportunity*

by E. R. McEWEN

TO appreciate the special needs of Indian Youth in Ontario, it is necessary to have some background knowledge of the plight of Indians in Canada as a whole.

Treaties made a hundred years or more ago assumed that the native inhabitants of this land would continue to follow their traditional mode of living of hunting, fishing, trapping, etc. Blocks of land were set aside to both perpetuate and protect their way of life. Unfortunately, it also separated them from the main stream of economic and social progress.

As a racial minority, they are separated by language differences and vast stretches of country. With values rooted in primitive living, they have not been understood by their white brothers and sisters and never fully accepted.

Isolated by the Reserve system, the concepts of modern industry and development has passed them by. The white man's education offered in token measure, has had little meaning since reading, writing and arithmetic did not help much on the trap line.

There has been little change in the cultural and social life of the Indian people over the years — particularly in the Northern Regions, consequently, they are ill-equipped to integrate with the other elements of the Canadian community.

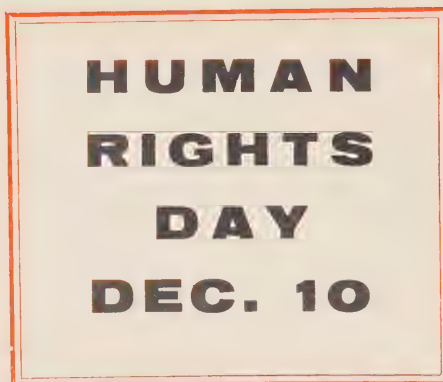
The economic base of their natural way of life has disintegrated. Reserves no longer provide sufficient game — furs, etc. to sustain the rapidly growing population — nor is it possible to move on to more productive areas as they did centuries ago. While token help is being given to these people to build other industries, it falls far short of the assistance given by the Federal and Provincial Governments to municipalities.

★ ★ ★

POPULATION

THERE are a little over 200,000 registered Indians in Canada, plus 200,000 to 300,000 persons of Indian ancestry — not registered. The latter are found, for the most part, in substandard settlements adjacent to towns and in segments of the City slums.

The registered Indians, most of whom are on Reserve communities, are under the wing of the Federal Government



while those Indians not so listed are the responsibility of the Province in which they live.

A small number have integrated and live on a basis of equality in the larger Community. Each year, an unknown but substantial number of young Indians leave the Reserves to try their luck in the white man's cities. Some remain and others return to the Reserve. Reports from Welfare agencies, rehabilitation institutes, police authorities, etc. indicate that the integration process is far from satisfactory. In too many cases the living conditions in the urban centres become worse than the Indian experienced on the Reserve. These persons, essentially rural, accustomed to informal living, are unable to quickly adjust to the modern life. Their ethnic traditions represent different values and feelings — the cold, impersonal industrial way of life is a tremendous bridge to cross. Further, their "entry to the City is mostly by way of the basement floor — the slums." Other sections of the City are out of reach financially — cold and usually unfriendly to them. Thus, our Indian newcomers mingle in areas in which society forces them to stay — areas that produce the high rates of crime and other socially undesirable characteristics.

The Indian population of this country, despite the high mortality rate, is growing at roughly twice the rate of the general population. Three out of five Indian Canadian are under the age of 21 and the median age is 17. In the general

population, two out of five are under 25 years old and the median age is 25.

★ ★ ★

PROBLEMS FACED BY INDIANS

EMPLOYMENT — Reserve communities offer little to almost no opportunity for employment. To break into the wage economy, the Indian must leave the Reserve and go into the white man's towns and cities. Experience in this regard has not been encouraging since the majority of Indians do not have the educational qualification or the skills demanded by modern industry. Machines have pretty well eliminated the jobs that previously were available to unskilled workers. The problem is further aggravated by the growth in automation.

ECONOMIC — There has been no significant attempt over the years to help native communities to develop new industries to take up the slack from the declining traditional industry of hunting and trapping. For instance, even today only 6% of the Federal Government expenditure on Indian work is development-oriented while over 25% of the budget is consumed on straight relief. It has been easier to give Indians relief than to help them adjust to modern life economically and socially. Over 47% of Indian families on Reserves in Canada earn \$1,000 per year or LESS and 74% earn \$2,000 or LESS. To this, add the fact that Indian families are larger than the Canadian average.

The situation of Indian communities off the Reserve is no better.

HOUSING — Over 16% of Indian families in Canada live in one-room shacks against .8% of non-Indian families in similar communities. Over 50% of Indian families live in a house of three rooms or LESS. Only 43.9% of Indian families in Canada have electricity in their homes against the non-Indian 98.6%. Only 13% of Indian homes have running water against the non-Indian 92.4%.

The housing situation is becoming worse year by year since the housing building program is not keeping pace with the growing population. With little chance has the average Indian young man to advance in education when in the likelihood he will have no quiet place to study — only lamp light to work by no table or desk, and no means of keeping himself clean, etc.?

★ ★ ★

WELFARE — A survey of public welfare assistance made by the Indian Affairs Branch reported that in August, 1961, some 32% of the resident population of Reserve communities were receiving relief in that month; that 25% of the resident adult population were on re-

*Text of Brief presented to the Ontario Legislative Assembly Select Committee on Youth, by the Ontario Division of the Indian-Eskimo Association of Canada. Mr. McEwen is Executive Director.

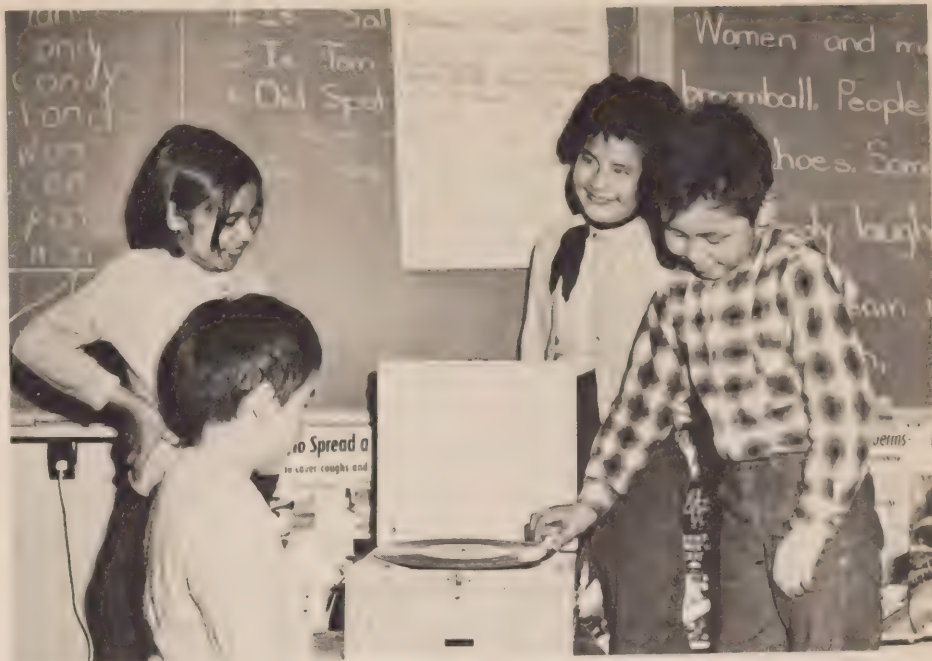
that 39% of the latter were considered employable; and further that of the heads of households assisted in August 1962 had received relief in the preceding 11 months or less. It might also be noted that relief being by I.A.B. has tripled over the five years, rising by an average of over the 1957-58 expenditures.

ALTH — The terrible depth of poverty among Indians has health implications. While there are no reliable statistics to show the measure of the problem, it is estimated that Indians require hospital care at twice the rate of other Canadians. Medical statistics show that the school mortality rate of Indian children is eight times the national average. The school children mortality rate is 12 times the national average — teenagers 2½ times — adult 3½ times.

DELINQUENCY — Any Community which continues to suffer from unemployment, bad housing, low level of education, lack of positive forms of recreation, etc. has trouble with anti-social tendencies. Our Indian citizens in this respect are no different to any other segment of our population. As can be expected, the deplorable conditions under which most of our Indian citizens live have produced a high rate of delinquency.

It is not possible to obtain a complete statistical breakdown of the extent of Indian delinquency in the country since in most provinces, the records do not show the racial origin of the offender. There is, nevertheless, substantial evidence that the incidence of crime is very high in relationship to other segments of the population. For example, in the Province of Manitoba, where a survey was made, it was found that over half the female inmates of their reform institutions were Indian. The situation of the Indian was only slightly better. The Indian population of Manitoba is about 100,000 against the provincial total of nearly one million. In the case of the more serious indictable offences, records are not available. Here the Dominion Bureau of Statistics reports that five times more persons of Indian origin go to penitentiaries than do non-Indians.

The rate is increasing year by year. For example, in December 1960 there were 64 Indian juveniles in Ontario reform institutions. The number has increased as follows: December 1962 there were 140 — December 1963 there were 211 and in June 1964 there were 239. We strongly contend that delinquency is increasing only in proportion to the denying range of opportunity for Indians in the Provincial community. It is a well known fact that many Indians seek im-



THE BRIGHTER SIDE
Children enjoy record player in Indian School at Moose Factory.

prisonment to meet their basic need for food, clothing and shelter and gain access to learning a trade.

★ ★ ★

EDUCATION — Education services to Indians has improved in the past few years and the results have been gratifying. For example, the number of Indian children in Canada who go to high school is steadily increasing: from 611 in 1949 to 3830 in 1963 (although this is much lower than the proportion of white students who attend high school). Very few go on to University, although here also there has been a slight improvement — from 9 in 1949 to 57 in 1963. There is a somewhat larger increase in those taking vocational courses — from 41 in 1949 to 582 in 1963.

The weaknesses of the program are as follows:

(a) There are a considerable number of Indians in the Northern regions of Ontario who are illiterate and unable to speak either English or French.

(b) The majority of Indian youth in the North leave school with Grade 3 or 4 or less. They are unable to benefit by upgrading and re-training programs offered in the Province which requires Grade 6 at least.

(c) The standard of teaching service is below the desirable level: Well qualified teachers do not usually go to the hinterland. Further, most of the teachers enter the work without knowledge of the Indian culture and too often do not try to understand the Indian. To alleviate this problem in Saskatchewan, special

courses are given to teachers going into Indian work.

(d) Due to bad housing, most Indian children have no quiet place to do homework, which leads to discouragement and "drop out" when home study becomes essential.

(e) Very few Reserve schools have kindergartens. Starting later, Indian children are usually one or two years behind their white counterpart.

★ ★ ★

RECREATION AND ADULT EDUCATION

To date, there has been no systematic approach to ensuring that Indian youth have opportunity and encouragement for positive and creative use of their leisure. Playground activity, community sports, Arts & Crafts, music and drama groups, libraries, etc., receive very little encouragement apart from what might be carried by the school. In contrast to this, nearly all our municipalities provide public recreation and Adult Education programs — including professional leadership, facilities and support services. It is alarming to note that in the whole of Canada only 2061 Indians were involved in programmed Adult Education activities.

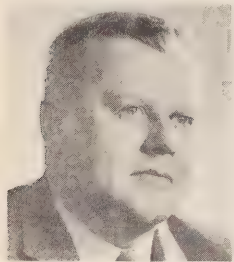
Life in most Indian communities is dull and uninspiring. It is little wonder that delinquency and alcoholism is rampant among Indians. The situation would be immediately improved if the Provincial services in Recreation and Adult Education were fully extended to the Reserves.

(Continued on page 8)

"Despair Of The Future" *

BY P. E. McRAE

IT is our purpose in this Brief to list in general the major problems facing the Indian people in this area. While the title of the brief includes only Indians on more remote Reserves, we wish to point out that Indians living in less remote areas and in or near cities, are facing many of these same



P. E. McRae of this cabinet, the Six Nations Reserve near Brantford, will not give even a hint of the suffering endured by Indians living in Moosonee, Pickle Crow or Lac Seul. That such conditions should exist in Canada and in Canada's wealthiest province, Ontario, is both a national and a provincial disgrace.

Living Conditions

Poverty is the most pressing aspect of life on the Reservations. It is the kind of poverty experienced only by a very few Canadians in this affluent age and takes all the standard forms. Thus housing ranges from a few welfare homes to shacks and tents. I have personally seen Indians in the spring, replacing cardboard walls with new paper boxes. Malnutrition, sickness and disease characterize life on these Reservations. Health services, if they are provided at all, are to be found off the Reservations and no transportation is made available. Lac Seul Indians give accounts of people who have died because there was no way of getting the sick to the hospital.

★ ★ ★

Employment

A VERY high percentage of the able-bodied men (in some areas 30%) are either permanently unemployed or working rarely. Those who do find employment very often never receive monetary compensation for their hours of work. Thus many of the Indians of the Lac Seul Reserve complain that they are never actually paid for cutting pulpwood

problems. It is important however, to remember that a visit to a Reservation such as Fort William Reservation on the edge of this city, or perhaps what is better known to members

of this cabinet, but are given credit at stores near the reserve. No account is ever given by the employers or the stores of the amount of this credit, so that the Indians concerned feel that they are constantly being cheated.

Exploitation in many ways is very common. In some areas north of Red Lake, fishing rights on lakes close to Reservations and we believe, on Reservations, are given to non-Indians who then exact a toll for each pound of fish caught. The cost of transporting fish to the nearest rail centre is often exorbitant. Around the Lake of the Woods, Indians receive 15 to 25 cents a pound for the very arduous task of picking wild rice, which is a very small fraction of the sales price. No serious attempt has been made in any of these industries to give the Indians a fair share of the returns.

Education

Educational standards in these areas is considerably lower than those found in provincially operated schools. Teachers are often untrained while the equipment and courses are vastly inferior to those available in non-Indian communities. On the one hand, the educational program bears little resemblance to the needs of the people on the Reservation, while on the other hand, it does nothing to prepare the student for life in non-Indian communities.

Treatment in non-Indian Communities

In most small communities no recreational facilities or reasonable accommodations are available for Indians, either because of discrimination or indifference. Finding no warmth in the non-Indian community, the Indian finds himself relegated to the beverage room and afterwards to the streets and perhaps the jails. Drunk and disorderly conduct and vagrancy are the usual charges levied on the Indians. When he appears in court he is invariably without legal assistance and is incapable of understanding legal procedure. Complaints are numerous from non-Indians in some areas, concerning the severity of the police and the courts in dealing with Indians. In Sioux Lookout an Indian sentenced to jail is removed to Kenora to serve his sentence.

After his release, no effort is made to return him to his Reserve and within a few hours he may be picked up for vagrancy. Complaints from many residents of Lac Seul Reserve, indicate that many Indians who have been sentenced to jail for periods of less than a month may be unable to return home for two to three months.

The lack of legal assistance in these and more serious cases, is another cause of hardship. Within the past two years one case brought to our attention concerned two Indians trapping in Quetico Park. On the day following their sentence and conviction, they were returned before the magistrate and an additional sentence was imposed. Only after they had served the sentence, was an opinion received from the Attorney General's office that such an imposition of sentence was probably illegal.

The problems listed have brought the people concerned to the point of despair. They have been exploited and maltreated by governments and individuals. They have been deprived of civil rights and the ability to earn a living. They trust no one and they despair of the future.

★ ★ ★

HOW ONTARIO CAN HELP

ACCORDING to treaties signed between the Indian people and the Government of Canada, responsibility for the welfare of the Indians lies with the Federal Government and specifically with the Department of Indian Affairs. The major responsibility for these distressing conditions lies with this government and this Department. However the initiation of such documents as the Human Rights Code and the efforts already made by the Ontario Department of Lands and Forests and the Department of Welfare, have led some Indians to believe that this provincial government is willing to lend assistance where possible, to alleviate these distressing conditions. The following are a few suggestions which will involve the provincial authorities:

Economic Development

This is the major need of the Indian people. Indians desire economic independence while maintaining their Reservations. The solution lies for the most part in the activities of the Government of Canada and this province can help strongly advocating that the Federal Government assume considerably more responsibility in this matter. However any program of economic and community development cannot succeed within the limits of the Reservation and the use of Crown Land under the jurisdiction of the province will be necessary. Therefore permission for cutting rights and

*Text of Brief presented to Premier Robarts and his Cabinet at Fort William, Ontario. Mr. McRae is a High School Vice-Principal and a member of the Advisory Committee to the Executive Director of the National Indian Council of Canada.

g rights, in conjunction with a
ral economic development program
be necessary for success.

an Rights

ie Human Rights Code is a very
hy document. However, on review-
several issues of the publication
nan Relations", we rarely find men-
of Indians or their problems. Since
e are over 50,000 Indians in Ontario,
ar the largest non-white minority
p in the province, and since they do
serious problems, this is an unfor-
able oversight. Considerable space
ven to other minorities and yet the
or minority problem facing provincial
orities is hardly alluded to. Only
ntly a group of 30 Indians were
ted from a motel near Sault Ste.
ie. Promises were made by the At-
ey General that a complete investi-
on would be made. To my knowl-
e, three months after this event, none
he people involved have ever been
acted by any investigator. Certainly
report has been made, the parties
cerned should have been consulted
now.

Other cases have occurred in northern
ario hotels, beauty shops and even
our schools. Little has been heard
cerning such incidents, principally
ause the Indian people themselves
prone to accept such attacks upon
ir dignity as the price for living in a
-Indian world.

The Human Rights Commission as it
sently operates, has been concerned
stly with discrimination. Exploitation,
hich is more damaging to the Indian
n discrimination, should be given first
ority.

★ ★ ★

is we believe, essential that if the
Human Rights Code is to have any
aning, it must concentrate *first* on
ping Ontario's largest racial minority.
is essential therefore that a permanent
cer of the Human Rights Commission
ppointed to this area of Ontario and
at the code itself be reinforced wher-
er necessary to correct the abuses
ing heaped upon the Indian people.

ucation

While the responsibility for the educa-
n of Indians lies with the Federal
overnment, the major facilities for
ucation lies within the jurisdiction of
e province. Much of what has been
ne badly by the Department of Indian
airs could be done well under the
isting facilities. The province of
ntario could provide much better op-
rtunities for Indian pupils in our
hools than are presently being provided
the Department of Indian Affairs. It
ould be necessary to board these stud-

ents in our large communities, the cost
being born by the federal government.
This is being done already in a limited
number of cases, however, many more
students should be included. The relative
lack of success of Indian students at
present attending schools under provin-
cial jurisdiction is a matter which de-
serves considerable study. In my experi-
ence as a high school administrator, I
am convinced that it is necessary to pro-
vide recreational facilities and trained
social workers to work with these young
people and to help them to make the
adjustment necessary in moving into a
non-Indian community.

If economic and community develop-
ment is to be successful on Reservations,
the educational level of the adult popula-
tion on Reserves will have to be improved.
In some cases this can be done by the
federal government on the Reservations
themselves. In other cases, however,
programs similar to Program Five will be
required and the courses will need to be
specially designed for the Indian people.

To my knowledge, no study has been
made in this province as to how the
educational needs of the Indian people
can be met through the cooperation of
the provincial and federal governments.
Such a study is long overdue.

★ ★ ★

Welfare and Other Services

IN general, these services are being met
on the Reservations by the Department
of Indian Affairs. However, there is a
growing need for assistance for Indians
both treaty and non-treaty, who are
moving to our cities and towns. Their
educational background, their limited
contact with city life, make it very diffi-
cult for them to adjust successfully to
urban life. The problem is particularly
acute for these Indians who by reason of
some local quirk, are denied the support
of the federal government (non treaty).

Friendship centres have been estab-
lished in a few of our cities and more
are needed. For these to be successful,
control must rest in the hands of the
Indians themselves. However, assistance
from time to time will be required and
it is hoped that where requests are made
for both financial and technical assist-
ance, that the province of Ontario will
be generous. Where these centres have
been successfully established (e.g. Win-
nipeg), many of the social and economic
problems attendant upon adjustment to
city life have been considerably allevi-
ated.

★ ★ ★

CONCLUSION

THE Indians of Canada in general, can
be said to have the following basic
desires: (i) The maintenance of their
own cultural traditions (ii) The reten-

tion of the Reservation system, which
they believe necessary if the culture and
traditions are to be maintained. (iii) Eco-
nomic independence.

They do not object to integration,
providing that it does not mean the loss
of a proud culture and the loss of what
they consider their birth-right, that is,
the land. They feel that successful integ-
ration can only come after economic
independence has been gained. Only
when Indians have re-established the
dignity which stems from being econo-
mically independent, can they move into
the non-Indian world with any sense of
pride.

Through his own efforts and with the
assistance of the federal and provincial
governments, these aims can be attained.
The Indian places the main responsibility
for assistance on the shoulders of the
federal government since he feels that
by reason of treaties, that this govern-
ment has a moral and legal obligation to
render assistance. The Indian is reluctant
to see federal responsibility handed over
to the provinces. From some provinces
he can expect considerable help, from
others he has learned to expect little or
none.

In the forthcoming inter-provincial
conference on Indian Affairs, there is
much misgiving as to what the Indian
can expect. The responsible Indian
leaders have never been consulted, a
failing so common in dealing with Indian
problems. It is hoped that the province
of Ontario, while displaying a generous
interest in the conditions of Indians, will
not be party to the abandonment of re-
sponsibility on the part of the federal
government. It is further hoped that
before following these and other sug-
gestions, that the province will call to-
gether the respected leaders of the
Indian people in Ontario.

HUMAN RELATIONS

Vol. 5 - December, 1964 - No. 10

Published by the Ontario
Human Rights Commission
Department of Labour


8 York Street, Toronto

Hon. H. L. ROWNTREE, Q.C.
Minister of Labour.

LOUIS FINE, LL.D., *Chairman*
THOMAS M. EBERLEE, *Secretary*
DANIEL G. HILL, *Director*

Joyce Applebaum,
Gordon Greenaway,

J. F. Nutland, *Members.*

Address all correspondence to:
Ontario Human Rights Commission,
1260 Bay Street,  7 Toronto.

LETTERS and COMMENT

THE members of our Council, which represent 150,000 organized workers in the Montreal area, at our regular meeting of September 3rd, had the opportunity of acquainting themselves with the French version of the Ontario Human Rights Code, 1961-62.

They were all very happy, delighted and amazed at the correctness and quality of the translation.

Unanimously a resolution was adopted instructing the undersigned to write a letter congratulating: the Ontario Human Rights Commission; the Minister of Labour and the Prime Minister; for their thoughtfulness and the care with which the French text of this Code has been written and presented.

Rarely, in this country, do we come across such a fine French version of an official document. This is the kind of thing that contributes the most to bring closer together the two main ethnic groups in Canada.

With our gratitude and the hope that the Government will continue to encourage its various departments and agencies to multiply the publication of their documents in French, we express our congratulations and best wishes.

Gerard Rancourt,
Executive-Secretary,
Montreal Labour Council

Montreal

★ ★ ★

"Dangerous Animosity"

AN incident occurred recently which has caused me considerable embarrassment but which, above all, reveals a state of mind which I feel is not worthy of Canadian moral standards.

The circumstances, very briefly, are that I had occasion to speak to the parents of a ten year old boy who threw a piece of wire at my car whilst I was driving along the street. I had a telephone conversation with the child's mother, who took a very light view of the affair, and as I felt the child's actions to be of a dangerous nature I notified our local police department who contacted the parents. Very shortly afterwards the boy's father, apparently of English origin came to my home and in a voice quite loud enough to be heard by my neighbours made amongst others the following statement: "Just because you were brought up in a police state doesn't mean you can hide behind the

police in this country." This of course alluded to the fact that I am of German origin, even though I have been in Canada for ten years and am a naturalized Canadian citizen. Our local police chief, whilst regretting the circumstances involved is of course unable to take any action to change this man's attitude.

Being a Canadian citizen, and being proud of the fact, I was extremely hurt by this man's remarks, but I also feel it shows a dangerous animosity between Canadians, which could cause further difficulties if left unchecked.

It appears to me that this individual should in some way have the fact pointed out to him that Canada is for Canadians, and that previous racial disputes should be forgotten in this country.

H. L. Sachs

Burlington, Ont.

★ ★ ★

Heritage of Equality

WE are returning your Declaration of Equal Employment Opportunity duly signed on behalf of our organization. We certainly agree with you that this is a historic document.

One of the basic philosophies of Jerral is to conduct our business on not only a financially sound basis, but also, and equally as important, on a morally sound basis.

To that end, and long before legislation came into effect, our interview staff were and still are selected not only for their ability in the field of personnel, but also for their consistent outlook that job selection and recommendation should be based on abilities of the applicant only and not on the colour of their skin, their religious beliefs, country of origin, or any of the other insidious discriminatory factors.

We therefore welcome this opportunity of reaffirming in writing our faith in the heritage of equality.

Jordan D. Straus,
President,
Jerral Insurance Personnel
Services Limited

Toronto, Ontario

The Coveted Code

THANK you so much for the last "Human Relations". We think it is so informative that we pass it on to our minister down in the state of Arkansas.

Please send us four copies of the "Human Rights Code" to display on the wall of the new units of our small motel.

So many comments have been received on the copies we have had for several years in other units.

One Negro couple who stayed here last year said "It is a most beautiful prayer and may your country prosper in all its endeavours!"

Last year you very kindly sent us the Code for our motel office — but it was "taken" one night when we left the office unattended for a few minutes. Nothing else was missing. The tablets were put neatly on the desk. Someone in the motel must have really wanted it.

If we could have it replaced it would be most kind of you.

John P. Garland

R.R. No. 2,
Kaministiquia, Ont.

★ ★ ★

Practical Application

SOME time ago a copy of HUMAN RELATIONS came into my hands and I was pleased to learn of your lofty ideals and inspiring work in that important field. Since I shall be teaching a course on social ethics in the philosophy department of the University of Ottawa I should like to keep informed of your activities to give the students an insight into the practical application of social doctrine.

With every good wish for success in your fine work.

(Rev.) Cornelius J. Pasich
Basilian Fathers

Ottawa, Ont.

★ ★ ★

Compliment

PERMIT me to congratulate you on the excellent work being done in the Province of Ontario on behalf of human rights. Your Minister of Labour, Hon. H. L. Rowntree and Mr. Louis Fine are both to be highly complimented for the vigor in which they have moved to achieve this legislation.

Would you pass on my words of warmth to these gentlemen from the Mohawk Reservation.

Miss Kahn-Tineta Ho
Caughnawaga, Quebec

Unfortunate and Regretful"

WE wish to assure you, and all concerned, that the policy of Pine Grove Motel, is and has been to abide by the Ontario Human Rights Code. The incident which took place at this motel, involving certain members of the Indian Council and others, was most unfortunate and regretful.

I feel that actions taken at the time were misunderstood and misinterpreted by certain parties involved and I assure you that such actions as were taken by the staff were not motivated by any discriminatory intentions.

I cannot over-emphasize the fact that one, regardless of colour, creed, nationality, religion, or affiliations, is welcome at this motel. As I previously stated, we have had many people of many different nationalities — including Chinese, Japanese, Negroes, Chileans, Indians, and others — and I would not hesitate to make our accommodations available to all or any of them again at any time under normal conditions. This incident was made clear to some members of the executive of the Indian Council at the time of the incident last July.

I hope that this letter makes clear my intentions and actions to your organization and anyone who may have been directly or indirectly involved in last summer's incident.

Sidney J. Hilderley
Manager

Pine Grove Motel,
Highway No. 17 East,
St. Marie, Ontario

★ ★ ★

Merit Alone

WE have followed the work of the Ontario Human Rights Commission with no small interest and consider it to be a sad reflection on our Society when such basic individual freedoms have to be instituted by legislation.

Our Organization was founded by our Managing Director, Dr. J. A. Hannah, in 1937. He affirmed as a basic principle in hiring, that everyone applying for a position with A.M.S. be considered without regard to race, creed, colour, nationality, ancestry, place of origin or political affiliation.

All employees are considered on their merits alone. My private secretary is of Japanese origin, our Chief Accountant is a Negro and has achieved his position by steady promotion since working for us. The man looking after records filing is a full blooded Cree Indian, one of our

A LIFETIME OF SERVICE

(On October 24th, at the University of Windsor, Chancellor John Keiller Mackay former Lieutenant Governor of Ontario conferred the honorary degree of Doctor of Laws on Louis Fine, Chairman of the Ontario Human Rights Commission. The Citation, printed below, was delivered by Doctor W. G. Phillips, Head of the Department of Economics and Political Science.)

★ ★ ★

MR. Chancellor:

History will probably record the three decades just passed as the most trying, yet withal the most progressive, in the long pursuit of a just and enduring basis of labour-management relations. The community of Windsor has witnessed this progress from close range. It has seen industrial struggles which, costly though they have sometimes been, were clearly indispensable steps in the hammering out of a relationship based increasingly on responsibility and mutual respect.

It is therefore fitting that this University, whose roots go deep into those of this community, should bestow high honour upon one whose life and talents have been given to the cause of peace with justice in industrial relations, and who, in the process, has earned the lasting, wholehearted gratitude of Windsor, of the province of Ontario, and indeed of Canada at large.

LOUIS Fine achieved early distinction as a union officer, following which he joined the Ontario Department of Labour in 1934. He soon became, and still is, Chief Conciliation Officer for this province. In three decades, his penetrating insight has been brought to bear on industrial disputes in every conceivable context. In the process, the name of Louis Fine has acquired something approaching the legendary, in the peaceful settlement of such disputes. Very few persons of our time have walked with such grace in the halls of both management and labour; very few have enjoyed, to the extent that he has, the respect and the admiration of capital and labour alike.

The gifts which brought prominence to Louis Fine in the Department of Labour have more recently been extended to encompass the even more urgent cause of human rights. As first Chairman of the Ontario Human Rights Commission, he now directs this province's assault against prejudice and discrimination in human affairs.

★ ★ ★

MR. Chancellor, Louis Fine left school at the age of twelve through economic necessity. Today, 58 years later, I am privileged to present him to you, in recognition of a lifetime of talented and effective service to his fellow men, for the degree of Doctor of Laws, honoris causa.

top keypunch operators is of Chinese origin. We have many faiths represented and notwithstanding the diversity, we all get along just fine. Over the past five years, there has only been one case where it was necessary to discharge an employee for discrimination. That was due to him making obnoxious remarks about an ethnic group when another employee of that group was present.

In our opinion, an employer who discriminates often misses out on the opportunity of employing good people with a fine potential — we are certainly happy with our staff who originate from minority groups.

R. L. Bradbury,
General Manager,
Associated Medical Services Inc.

Toronto, Ont.

Better Understanding

AFTER reading Human Relations, it is difficult to express my feelings with reference to your splendid work.

Being associated in the past with civil and military personnel in the United States, I have experienced the feeling of actual separation between the races.

I judge a man on his merits, and have been associated with both the dark and the white under segregated conditions. This was actually a situation I had little understanding of at that time, but through the medium of your publication I have a better understanding of the job to be done, and the problems which face all the human race in seeing this situation eliminated.

Gerald T. Bruner Jr.,
Engineering Technologist
St. Thomas, Ont.

Equality of Opportunity

(Continued from page 3)

THE ONTARIO INDIANS

THERE are about 50,000 registered Indian citizens in Ontario that live on Reserves and it is estimated that an equal number of persons of native ancestry (not on Band lists) live in sub-standard settlements and communities off Reserves. The responsibility for registered Indians rests with the Federal Government. Indians off the Reserves form a part of the general population and the responsibility for their well-being rests with the Province.

There are some 164 Indian Reserves in Ontario. Some are unoccupied. There are 108 Reserve communities with substantial populations.

The conditions and problems described earlier in this Brief apply equally to the Indians of Ontario. The living conditions of Indians in the Northern regions of this Province both on and off Reserves are among the worst in the Country — if not in the world. This happens in Canada's richest Province!

The Ontario Committee of I.E.A., during the past nine months, has devoted its energies to exploring ways and means of coming to grips with the problems of the Indian citizens in this Province. This work has included:

(a) Field workers (Indian) were sent to 62 Reserves to meet with their leaders and Band Councils to explore what needs to be done to help Indians improve their standard of living.

(b) Three 3-day Regional Workshops have been held — Kenora, Sudbury and Wallaceburg — serving the Northwestern, Northeastern and Southwestern regions respectively. These meetings were attended by Indian leaders of the region and Resource persons. The discussions were focused on such matters as Employment and Industry, Education, Housing, Health and Welfare, Recreation, and Human Rights.

(c) A Province-wide Conference on Ontario Indian Affairs is planned for November 20, 21 and 22nd. This Conference will consider the findings and recommendation that have come out of the three regional workshops.

Time and space does not permit a discussion of the findings and recommendations that have come out of their field work. May it suffice to say that it bears out the conditions that have been described earlier in this Brief and provide the basis for these recommendations:

FINDINGS

(a) Most of the one hundred thousand Indians of this Province are living in dire poverty. A high percentage are un-

employed and are educationally and socially unequipped to obtain and hold a job.

(b) Little real effort has been made to help the Indians develop new industries to replace the declining industry of hunting and trapping. It has been easier to give relief than to develop industries.

(c) The standard of Indian education is well below the Provincial standard — although improving somewhat in the last few years.

(d) The housing of Indians is deplorable and becoming worse since the building program is not keeping pace with the growing population.

(e) Recreation and Adult Education services are almost unknown in Indian communities.

(f) The division of responsibility between the Federal and Provincial Government for Indian affairs has never been worked out. The dual approach to Indian communities has been both confusing and unfair to the Indians.

RECOMMENDATIONS

IT IS RECOMMENDED THAT:

1. The Ontario Government co-operate with the Federal Government to ensure that the Indians of this Province are given opportunity for progress and development equal to that afforded the other citizens.

2. The Ontario Government move as quickly as possible to ensure that Indian communities both on and off Reserves receive the services that it normally provides to municipalities in Economic Development, Education, Recreation, Adult Education, Health, Welfare and Housing. In encouraging this larger role for the Province, we are not advocating any change in the status and rights that Indians hold under Treaty or by Law. It is contended that these rights can be observed without depriving the Indians of services accorded other citizens of Ontario.

3. Special attention be given to the development of Recreation and Adult Education programs in all Indian Communities within the Province. In this regard, due attention needs to be given to:

(a) LEADERSHIP — Financial assistance is required to enable employment of Professional Recreation and Adult Education leaders, etc.

(b) FACILITIES — Financial assistance in providing required facilities in support of positive and creative use of leisure (Recreation and Adult Education).

(c) LIBRARIES — Financial assistance and leadership to ensure that our Indian citizens have reasonable resources in books, magazines films, etc.

The first step would be the amending of the Legislation to entitle Indian Communities to services, grants, etc. that go to Municipalities.

4. Immediate attention should be given by both the Ontario and Federal Governments in the development of a comprehensive program to help the Indian people who leave the Reserve to assume a place in non-Indian communities. The scheme could be modelled on the rehabilitation program which was so successful for service personnel at the close of World War II. The program should begin with orientation on the Reserve and be followed up systematically by specialized services regionally and locally to facilitate the transition.

5. The Community Development services be extended to all Indian communities and in doing this, due attention needs to be given to the fact that special measures of a rehabilitative nature will be required to restore confidence, initiative and drive to prepare these people to avail themselves of the new opportunity. The damage done by the long period of isolation and paternalism needs to be repaired.

6. A concentrated effort be made to shift the current spending on direct relief to economic development to ensure earned income for our Indian citizens and thus enable them to take their place in our society with self respect and dignity.

7. Special attention be given to the improvement of the Education program for Indian children which might include:

(a) Special encouragement to Indians to take up the teaching profession.

(b) Special training programs for non-Indian teachers to enable them to better understand the needs of Indian people — their culture and background, etc.

(c) Encourage Indian participation in the planning and administration of the own education services (Formation of Indian Boards of Education on Reserve — Parent-Teacher Associations, etc.)

(d) Give more attention to enforcement of school attendance.

(e) Explore ways and means of providing facilities on the Reserves where supervised study can be carried out until this responsibility can be accepted by parents and until home facilities are adequate.

8. That the Ontario Government co-operate with the Federal Government in the development of Indian Housing programs to meet the urgent needs of Indians both off and on Reserves. In accomplishing this, the Indian people should be given a positive and creative role in planning, organizing and conducting the program.

The Declaration of Human Rights

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society,



U THANT

Secretary-General of the United Nations

keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave

trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

(Continued)

THE DECLARATION OF HUMAN RIGHTS

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

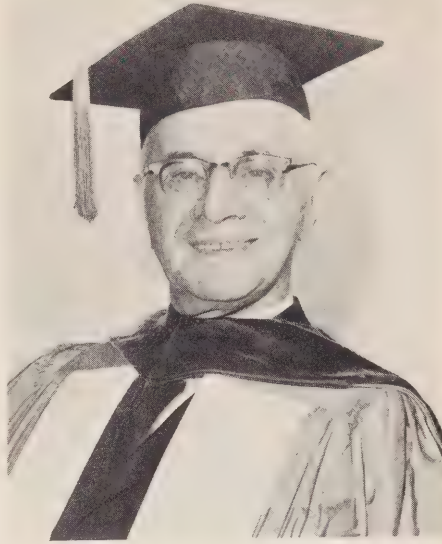
Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by uni-



Louis Fine, Chairman, Ontario Human Rights Commission (see page 7)

versal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

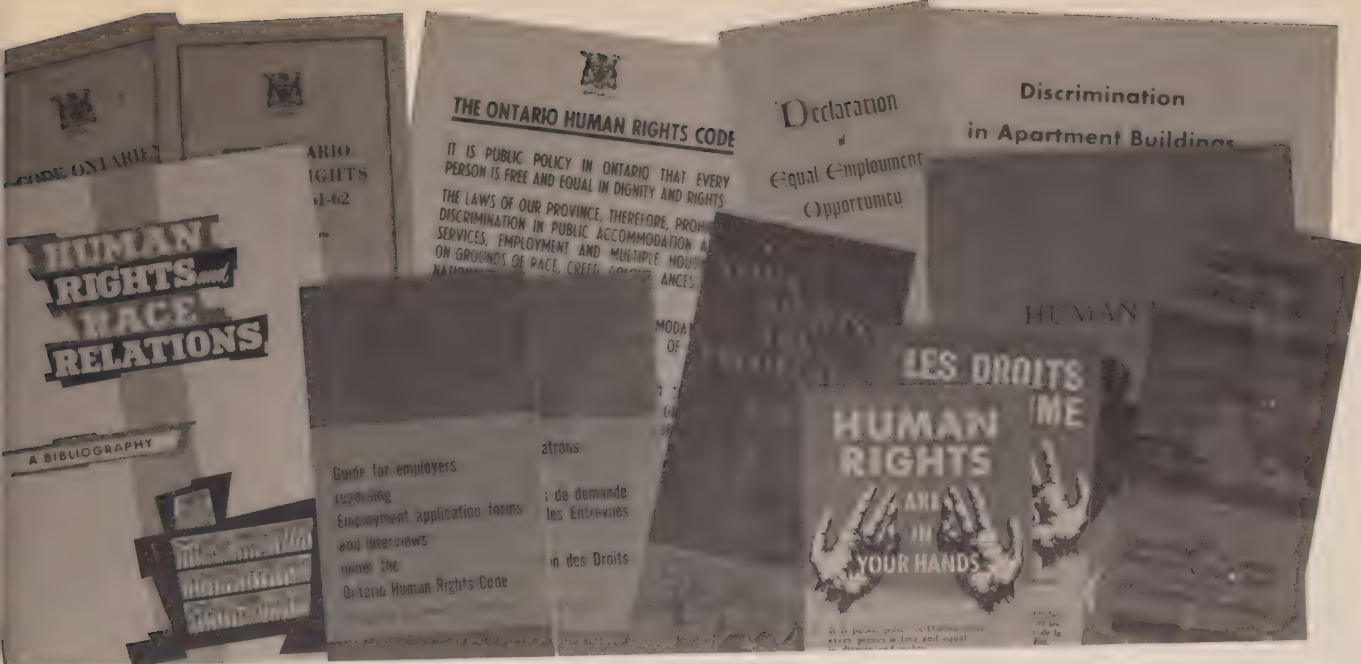
Article 28. Everyone is entitled to social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may not be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth here.



HUMAN RIGHTS IN ONTARIO

A new pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario.

★ ★ ★

THE ONTARIO HUMAN RIGHTS CODE

A 16-page pamphlet containing the complete text of the Code with a preface by Honourable John Robarts, Prime Minister of Ontario. Available in English and French.

★ ★ ★

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels, tourist resorts, offices, libraries, industrial plants, community centres. Available in English and French.

★ ★ ★

GUIDE FOR EMPLOYERS

A new brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

HUMAN RIGHTS AND RACE RELATIONS

In response to many requests the Commission now has available for distribution a comprehensive bibliography dealing with prejudice and discrimination, race and ethnic relations.

The bibliography has been prepared in two sections. The first section lists official publications of the Ontario Human Rights Commission, the Government of Canada, the United Nations, Unesco, and the Council of Europe.

The second section of the bibliography is entitled, "Selected Readings on Race and Ethnic Relations." This is an annotated list compiled especially for the Commission by Dr. Jean Burnet of the Department of Sociology of the University of Toronto. It includes books and reports which are considered part of the outstanding literature in the field. A special section is devoted to Canadian works.

★ ★ ★

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

Address all requests to:

**Ontario Human Rights
Commission**

1260 Bay Street, Toronto, Ontario

FRENCH TRANSLATIONS PUBLICATIONS DISPONIBLES EN FRANCAIS

On peut obtenir sans frais les publications énumérées ci-dessous, en s'adressant à la Commission ontarienne des droits de l'homme, 1260 rue Bay, Toronto 5, Ontario. Tel. 365-4218.

★ ★ ★

Le Code ontarien des droits de l'homme

Un brochure de 16 pages contenant le texte intégral du Code et une courte préface du premier ministre d'Ontario, l'honorable John P. Robarts.

★ ★ ★

Parchemin enjolivé reproduisant le Code ontarien des droits de l'homme

Le texte du Code est reproduit sur un parchemin enjolivé, de deux couleurs, avec bordure dorée, prêt pour encadrement. Peut être affiché dans les immeubles publics, les églises, les écoles, les bureaux, les hôtels, etc.

★ ★ ★

Les droits de l'homme en Ontario

Une brochure donnant un aperçu général des dispositions du Code et renfermant des renseignements sur l'activité de la Commission et du rôle que le public peut jouer pour la sauvegarde des droits de l'homme en Ontario.

★ ★ ★

Guide des patrons

Cette brochure explique les dispositions du Code ontarien des droits de l'homme qui ont trait aux formules de demande d'emploi et aux entrevues préalables à l'embauchage et contient une liste des questions qu'un employeur doit éviter de poser à des postulants.

By DANIEL G. HILL

Commission Round-Up

THE Commission has been operating under the Ontario Human Rights Code for a full two years and five months and we take this opportunity to provide our readers with a general statement regarding the number, nature and disposition of cases we have handled during that period.



Dr. Hill

Two hundred and seventy-four cases of alleged violations of the Ontario Human Rights Code from over fifty Ontario municipalities have been handled by the Commission from June of 1962 through September of 1964.

One hundred and seventy-one of these cases were listed as formal and came within the jurisdiction of the Commission. The balance, one hundred and three, were listed as informal and dealt with discriminatory situations in housing and employment not covered by the legislation. Cases of discrimination involving the rental of private homes, apartment buildings with fewer than six units, employers of fewer than five persons were informally handled and every attempt was made to have the respondents voluntarily abide by the Code.

During the period from November, 1963 through September, 1964 (tabulation of our case load in this area of work was begun in November, 1963) the Commission counselled and referred 326 individuals whom it could not directly assist, to mental health, legal, welfare and other government agencies.

DISPOSITION AND TYPE OF FORMAL CASES

The vast majority of cases were satisfactorily conciliated, through the services of the Commission's staff, and are categorized below:

Type of Case

Public Notices	7
Public Accommodations	24
Apartment Houses	30
Employment	35
Discriminatory Application Forms	71
Equal pay for women	4
	<hr/> 171

Disposition

Settled	98
Dismissed (No cause)	38
Settled through Board of Inquiry	11
Currently before the Commission	24
	<hr/> 171

The informal cases — outside of our jurisdiction — handled in this period are listed in the following categories:

Public notices — 8; public accommodations — 5; housing — 16; employment — 20; discriminatory written or oral inquiries asked of applicants for employment — 47; miscellaneous — 7.

Fifty-one informal cases were settled through the efforts of a Commission officer while thirty-eight were dismissed, one was referred to a community agency, seven were changed to formal cases and six were undisposed of by September 30, 1964.

★ ★ ★ GROUPS SERVED

The two largest groups of complainants are Negro and Jewish. At the same time a sizeable proportion of complainants are immigrants from ten European ethnic groups (Dutch, German, Greek, Hungarian, Irish, Italian, Portuguese, Ukrainian, Yugoslavian and English).

Other groups represented among the complainants designated themselves as Agnostic, Anglican, Canadian Indian, Roman Catholic, Chinese, East Indian, Japanese, Palestinian, Plymouth Brethren and Unitarian.

★ ★ ★ EDUCATION

From June 1st to October 31st, 1964, the Commission's staff made fifteen public appearances including addresses to meetings of organizations such as the Public School Board of Orillia, Development Branch of the Ontario Department of Tourism and Information, ethnic and religious groups, service clubs, and one television appearance.

The Commission participated in the fourth Annual Conference on Intergroup Relations organized by the Ontario Welfare Council and held at Port Elgin, Ont. In addition, Commission staff attended three regional workshops sponsored by the Indian-Eskimo Association of Canada and held in Kenora, Sudbury and Wallaceburg to gain understanding of and focus attention on some of the problems currently faced by Ontario Indians.

Almost 75,000 pieces of the Commission's literature, including 49,000 Display Scrolls, were distributed to the public at three major exhibitions: The Canadian

National Exhibition in Toronto, the Lakehead Exhibition in Fort William and Port Arthur, and the Central Canada Exhibition in Ottawa.

PROVINCE OF ONTARIO ROYAL COMMISSION INQUIRY INTO CIVIL RIGHTS

Commissioner:
Honourable James C. McRuer, LL.D.

NOTICE PUBLIC HEARING AND BRIEFS

This Commission was established, pursuant to The Public Inquiries Act, to examine the laws of Ontario to determine how far there may be unjustified encroachment on personal civil rights and freedoms by the Legislature, the Government, its servants and agents and other bodies exercising authority under or administering the laws in Ontario after study and consideration to recommend such changes in the laws and procedures as may be necessary and desirable to safeguard the fundamental and basic rights and liberties of the individual from infringement by the State or any other body. The Commission will consider: the powers and procedures of administrative bodies and the nature and review of their decisions; the constitution and the administration of the Courts; the delegation of legislative powers by the Legislature to other bodies and the judicial and quasi-judicial powers vested in bodies other than the Courts; an ombudsman for Ontario; an Ontario Bill of Rights; an extension of the Ontario Human Rights Code; offences created by Ontario laws; powers of arrest; bail; procedure with respect to provincial offences; legal aid; a public defender in criminal cases; an extension of the law of evidence regarding privileged communications.

The Commissioner will hold an inaugural public hearing in Committee Room No. 3 at the Parliament Building, Queen's Park, Toronto, commencing Monday, December 7th, 1964 at 10:00 o'clock in the forenoon, for the purpose of hearing submissions within the terms of reference. Thereafter further public hearings will be held in Ottawa, Kingston, Windsor, London, Hamilton, Sudbury, Port Arthur and such other places as the circumstances may require, or again in Toronto, the dates, times and places of these hearings to be published in the appropriate local newspapers.

Persons who desire to make submissions at the hearing commencing in Toronto on December 7th, 1964, are requested, for their own convenience, to advise the undersigned of their name and mailing addresses on or before December 1st, 1964.

In addition to appearing at a public hearing, any interested persons or bodies are invited to make written submissions to the Commission (five copies if convenient) to be filed with the undersigned, if possible not later than December 1st, 1964.

Dated at Toronto this 29th day of October, 1964.

Parliament Buildings
Room 472 J. W. MORDEN
Toronto 2 Counsel to the Commission

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

June, 1965

MAY 25 1965

No. 11

PERIODICALS READING ROOM

(Humanities and Social Sciences)

ONTARIO HUMAN RIGHTS CODE EXTENDED TO COVER CIVIL SERVICE EMPLOYMENT

LEGISLATION advanced by Labour Minister H. L. Rowntree and designed to make the Ontario Human Rights Code "an even more effective legal instrument for the protection of human dignity in this province" went into force on April 14, 1965.



H. L. Rowntree

Passed by the Legislature during its current session, following a debate in which all three parties participated, major amendments to the Code will:

- specifically prohibit discrimination in employment in the provincial government
- and any of its agencies
- outlaw discrimination in connection with the occupancy of any commercial unit
- prohibit discrimination in connection with the occupancy of any apartment in buildings containing more than three self-contained units.

When he introduced the legislation, Mr. Rowntree pointed out that almost three years have passed since the Code was made law by the Legislature. A strengthening and consolidation of all the human rights legislation then on the statute books, the Code was intended to help create a climate of understanding and mutual respect in which, and through which, all segments of our population would have an equal opportunity to develop their potentialities and live full and rewarding lives.

Mr. Rowntree noted that the Code, in its passage through the House in 1962, enjoyed the active support of all parties and all members, "for it not only embodied in legislative form certain basic ideals to which we all subscribe, but it also sought to make those ideals operative in the daily life of our provincial community."

★ ★ ★
DURING debate on the Amendments, Mr. Rowntree said the Ontario Government has always operated under the policy that its own employment practices should follow the spirit of the Code. In order to formalize this policy, he asked the Legislature to write into the Code a provision binding the Crown and its agencies, thus placing the Government

in the same legal position in regard to the hiring of an employee as any private employer.

Mr. Rowntree explained that civil servants are appointed initially to the temporary or probationary staff and under normal civil service procedure move at a later date to the permanent staff. The Public Officers Act provides that only Canadian citizens can be formally appointed to the permanent staff. This provision will be retained, but it does not in any way disqualify any person from employment in the government service.

(Continued on page 2)

—750th Anniversary—

Magna Carta Day, June 15

ON June 15 in the year 1215 at Runnymede, a tyrannical King was brought to order by the Community of the land and subjected to the laws which hitherto it had been his private privilege to administer and modify at will.



Thus from history's earliest and most memorable civil rights demonstration there emerged a Charter of Liberties which in the course of centuries was to become the foundation of our free institutions and of our democratic society. Bowing to the will of the Community King John placed the great seal of England on these and other concessions:

- No freeman shall be taken, imprisoned, outlawed, banished or in any other way destroyed, nor will we proceed against or prosecute him except by lawful judgement of his peers or (and) the law of the land.
- No bailiff shall put any man to trial upon his simple accusation without production of credible witnesses to the truth thereof.
- To no one will we sell, to none will we deny or defer right or justice.
- If anyone shall have been . . . deprived by us, without legal judgement of his peers, of lands . . . liberties or rights, we will instantly restore the same . . .

— A DISMAL STORY —

IF one thing characterizes the relations between the white man and the North American Indian it is the contempt the whites have for the treaties they make with Indians. Canadians will — or should — react with shame to the recent decision of the Supreme Court of Canada which set aside treaty rights of our Indians on the ground that an act entered into with the United States conflicted with those rights.

A member of the Yellowknife Band, Michael Sikyea, was convicted for shooting a mallard duck out of season. His fine was only \$10 and costs. However, this Indian claimed that as a Treaty Indian he was entitled, under a treaty with the Dominion Government, dated 1921, to shoot ducks for food at any time of the year. The decision of the Supreme Court will work against many Canadian Indians who claim hunting rights under treaties with the Government.

There is also a possibility that there will ensue a series of damage claims against the Government on the ground that the *Migratory Birds Convention Act* (used by the Supreme Court to justify its finding against Michael Sikyea) breaches treaties granting Indians the right to hunt for food at any time.

This is the sort of treatment now so familiar in the case of our Indians. Time and again they have been cheated, lied to, sold short by those who, in the name of a superior culture, coldly and arrogantly took their lands away from them and made only the most niggardly recompense.

CANADIANS (and Americans) are quick to make indignant pronouncements against the "colonialism" of European countries but are themselves descended from people who were responsible for the most cold-blooded, the most extensive and the most cynical rape and extermination of native peoples ever recorded in the history of the world.

The victims of this exploitation are now living on the miserable tracts of land our forefathers saw fit to set aside for them and we have done nothing but build up an incompetent and short-sighted bureaucracy to "take care" of them since those early days.

Nobody would suggest that Indians should or could revert to their original state (or should we say "be elevated" to their original state?) but there is something completely witless about the way in which we have failed to bring the Indian into some kind of creative, honourable and fulfilling relationship with our society.

The image of the dirty, feckless, drunken and idle Indian is one which probably most people accept uncritically on the ground that Indians are simply like that. Those of them who happen to be like that are so because we made them what they are — the old, dismal story of exploited people who, once ruined, are then blamed for their own shortcomings. This is our form of racial discrimination and a blot upon our national honour and integrity.

—Kingston Whig-Standard

HUMAN RIGHTS CODE—Continued

Several cases in which persons have been refused the right to rent or occupy commercial space on grounds of race or religion have come to the attention of the Human Rights Commission in the past three years. Prohibition of such discrimination will extend to the small businessman the type of protection against unjust interference with his livelihood which now applies in the case of an employee.

★ ★ ★

PREVIOUSLY, the Code outlawed discrimination in the rental and occupancy of apartments in buildings containing more than six units. The new provision covers apartments in buildings with more than three dwelling units.

Opposition spokesmen sought during debate on the amendments to apply this prohibition to all self-contained dwelling units.

Mr. Rowntree told the Legislature that the Code has operated successfully over the past three years due largely to the fact that its aims have won the approval and support of the people throughout Ontario.

He said the amendments were based on the experience of the Human Rights Commission in the administration of the Code, on studies of similar legislation in other areas and on the viewpoints expressed by a major community deputation which submitted a brief to the Government earlier this year.

New Publications

THREE new pamphlets have been published by the Commission *Human Rights and Race Relations*. A *Bibliography*, is an annotated list of books and pamphlets prepared in co-operation with Dr. Jean Burnet of the University of Toronto's Department of Sociology. The *Declaration of Equal Employment Opportunity* is a brochure outlining the agreement signed last year between the Commission and the Association of Professional Placement Agencies. Its primary purpose will be for distribution by APPAC agencies to the employers seeking their services. *Serving the Public* is a leaflet dealing with the effects of fair accommodation practices and designed to answer questions which might be raised by tourist resort operators and proprietors of places of public accommodation. 8,000 copies were mailed to tourist resort operators and hotels throughout the province. In addition, *Human Rights Ontario* has been published in French and reprints were required of two brochures, *Guide for Employers* (English edition) and *Your Rights are Protected*.

★ ★ ★

FOLLOWING the agreement with the Association of Professional Placement Agencies and Consultants and its fifteen member agencies last March, approximately ninety other private employment agencies in the province were approached and invited to sign similar agreements with the Commission.

★ ★ ★

Nice People Must Speak Up

MANY of the troubles society faces today are far worse than they should be because so many people are timid. The day of the man who is willing "stand up and be counted" has apparently gone. The average person prefers "to keep his nose clean" and would cross the street nine times out of ten to avoid even the possibility of trouble.

Unless someone is actually personally involved in a controversy, he prefers to keep quiet. "It is none of my business," he says. Or "I have enough troubles of my own." Or, "Yes, it is terrible, but there's nothing I can do about it."

Our contention is that a vast majority of people do not believe in injustice of any sort. They believe in the dignity of the individual, in human rights, and in law and order and common decency. The trouble has been that too few people have said so. They prefer not to be embarrassed or to get involved. The time has come for the well meaning but timid nice people to stand up and be counted.

A Challenge to Canadians*

is hardly possible to travel across Canada from coast to coast, and talk to literally thousands of Canadians of different origins and background, as we have done, without being struck by the enormous potentialities of this country and its people. It seemed to us again and again that current problems between the peoples of Canada are impeding great advances. A solution to the dilemma posed by duality would, we are sure, release immense energy and creative power.

Vitality could then come from the very differences and tensions among Canadians. The extra power released could be turned to making Canadian life as a whole better for all its citizens: to economic and social improvements; to increased opportunities for the individual as a man being whatever his language; to enhancing Canada's contribution to all humanity. Then the potentialities of the two cultures, English and French-speaking, with the enriching contributions from those of other origins, each working in its own way for common purposes, could be enormous. . . .

★ ★ ★

ENGLISH-SPEAKING Canadians as a whole must come to recognize the existence of a vigorous French-speaking society within Canada, and to find out more about the aspirations, frustrations and achievements of French-speaking Canadians, in Quebec and outside it. They must come to understand what it means to be a member of a minority, or a smaller partner people, and to be ready to give that minority assurances which are unnecessary for a majority. More than a century ago, Sir John A. Macdonald wrote to an English-speaking friend: "Treat them as a nation and they will act as a free people generally do — generously. Call them a faction and they become factious." They have to face the fact that, if Canada is to continue to exist, there must be a true partnership, and that the partnership must be worked out as between equals. They must be prepared to discuss in a forthright, open-minded way the practical implications of such a partnership. To some extent, they must be prepared to pay by way of new conditions for the future of Canada as a country, and to realize that their partner of tomorrow will be quite different from their partner of yesterday.

Excerpts from the Preliminary Report of the Royal Commission on Bilingualism and Multiculturalism

ON the same evidence, it seems to us that French-speaking Canadians for their part must be ready to respond positively if there are to be truly significant developments toward a better partnership. It would be necessary for French-speaking Quebecers to restrain their present tendency to concentrate so intensely on their own affairs, and to look so largely inward. Problems affecting all Canada are their problems too. They would need to beware of the kind of thinking that puts "la nation" above all other considerations and values. They too, like the English-speaking, should forget the conquest and any psychological effects they think it left. They would have to avoid blaming English-speaking Canadians for shortcomings which are their own; and at times, to remember that English-speaking Canadians have their feelings too. They, as well as the English-speaking, must remember that, if a partnership works, each party must give as well as get. . . .

★ ★ ★

MORE than most other countries, Canada is a creation of human will. It has been called a "geographical absurdity", an "appendage of the United States", a "4,000-mile main street" with many bare stretches. Nevertheless this country has existed for a long time, because its people have never stopped willing that there be a Canada.

Each age is fascinated by the difficulties it must face; hence most generations go through periods of doubt. Present day Canada is no exception. But is it more difficult to maintain the entity of Canada today, to make necessary changes, than it was to create it yesterday?

Canada will continue to exist, will grow and progress, will surmount the present crisis, if Canadians have the will — a will like that of the men who built the country.

The present crisis is reminiscent of the situation described by Lord Durham in 1838: "I found two nations warring in

the bosom of a single state." The circumstances today are very different; we have not just had a bloody revolt. On the contrary, one of the problems is that a part of the Canadian people does not realize that a gulf has opened, and that we have to rethink our partnership.

The will we speak of cannot be stiff and arbitrary: it must take account of new circumstances. Like anything that is living it must constantly adapt to changing conditions. Above all it must be based on awareness and understanding. . . .

A SYMBOL OF HOPE†

AMONG compatriots we must explain our point of view without passion, always respecting the opinion of others. The



problems of today will founder in disorder if we do not know how to lighten them with fraternity and humanity. Let the dialogue continue and it will tend

to unify all men of good faith. True patriotism doesn't exclude an understanding of the patriotism of others.

The ways of democracy depend upon the conscious support of all citizens. To be happy, a people must live in a climate of confidence and affection. But a dynamic state should not fear to re-assess its political philosophy. That an agreement worked out a hundred years ago does not necessarily meet all the needs of the present should not be surprising.

★ ★ ★

I HOPE that the centennial of our Confederation will be a symbol of hope to the world. To fully succeed, it must manifest an effective understanding, freely entered into, that will be an expression of our country's maturity.

Confederation was founded by two races, and I think it appropriate to speak in the languages of both Cartier and Macdonald. This country is the meeting-place of two great civilizations, each contributing its own genius and quality. These qualities are not contradictory, but complementary to one another. The full energy and progress of the nation can be realized only by the continued co-operation of all sections of the community.

†From an address delivered by Her Majesty Queen Elizabeth II in the Quebec Legislature October 10, 1964.

Merchants of Hate*

By DANIEL G. HILL

AT a time when Canadians are discussing, and seriously analyzing, whether we should place curbs on the merchants of hate — those deranged individuals who make a full-time business of peddling venom — it may be helpful to recall that not long ago our own current human rights legislation was seriously contested as “an infringement on the rights of employers, housing agents and proprietors of public accommodation, to select their clientèle without restriction.”

The principle that a man should be legally deterred from translating his pre-



justice or his hate into practice while dealing with the public is primarily a post-war phenomenon. Only recently have the public and legislators successfully challenged the statement: “You can’t legislate against discrimination and prejudice”. Discrimination—the overt act of denial, or the stated intention to deny equality of opportunity in certain basic sectors of our society as defined in federal and provincial human rights legislation—is now forbidden. We have now come to accept the view of Dean Rostow of Yale University Law School, who wrote: “Men often say that one cannot legislate morality. I should say that we legislate hardly anything else. All movements of law reform seek to carry out certain social judgments as to what is fair and just in the conduct of society”.

★ ★ ★

HUMAN rights legislation in Canada, while restricting the freedom of those few individuals who would deny equal treatment to their fellow man, insures the human dignity of all. In Ontario, Nova Scotia, New Brunswick, British Columbia, Quebec, Manitoba, Saskatchewan, there are a variety of statutes covering discrimination in employment, housing and public accommodations. Furthermore, on the federal level we have the well-established Canada Fair Employment Practices Act as well as anti-discrimination clauses in the National Housing Act and other statutes. In the United States there are at least twenty-six states with Human Rights Commissions and last year saw the pas-

*Partial Text of a submission by Dr. Hill to the Standing Committee on External Affairs of the House of Commons during its discussions on “Hate Literature”.

sage, at the federal level, of the now famous Civil Rights Act.

“The only thing necessary for the triumph of evil is that good men do nothing.”

—Edmund Burke

Canada’s history, its experiences in the last war, and the frightening violations of human rights in other places around the world—yesterday and today—have given Canadians a deeper understanding of freedom, of its value, and of the means whereby it can be extended throughout the nation.

★ ★ ★

MODERN day human rights legislation is predicated on the theory that the actions of prejudiced people and their attitudes can be changed and influenced by the process of re-education, discussion and the presentation of dispassionate socio-scientific materials that are used to challenge popular myths and stereotypes about people. In our own work we place a distinct priority on persuasion and conciliation, and use sanctions only when the expressed desires of the public are being thwarted. Human rights legislation on this continent is the skilful blending of educational and legal techniques in the pursuit of social justice. Enforcement procedures in all jurisdictions with which I am acquainted are wedded to a broadly-based program of education, persuasion and conciliation, and the punitive aspects of the legislation—the “iron fist”—gives way to the “velvet glove” which diligently works to create a climate of understanding and mutual respect among all races, creeds and national groups. These procedures are creating today a climate of acceptability that soon will be considered standard behaviour—norms of social decency for all people.

Our Commission, consisting of six full-time workers, has conciliated well over three hundred cases of discrimination

since the Code has been in operation. In addition, we have settled a significant number of informal cases, outside the jurisdiction of the Code, involving racial or religious conflict. Not once have we had to take an individual or company to court for prosecution and only six times has the Minister of Labour found it necessary to sign the order for a public Board of Inquiry. Human rights officers have conciliated discrimination cases in over twenty Ontario cities, and we have abundant evidence that the people of our province are basically fair and will do everything in their power to uphold human dignity. Sane and responsible citizens who have prejudices can, and do, change. We have witnessed the remarkable transformation of a number of employers and proprietors who, having first breached the Code and then having been persuaded to comply, finally became advocates of our work and voluntarily performed acts of integration and compliance beyond our expectations.

★ ★ ★

OUR Commission, however, cannot directly deal with the peddlers of hate: their activities are outside of the sphere of present law, and their twisted minds would seem to be beyond the influence of reason. We have, nevertheless, tried to keep abreast of their activities and to gauge their general effectiveness.

We have also noted the strong condemnatory reaction of the press and other mass media of our province to the menacing activities.

It is clear however, that newspaper editors differ in terms of what should be done about hate literature. Of the thirty weekly and daily papers in Ontario whose editorial opinion was studied in regard to these matters, half were definitely in favour of legislative action while the other half were basically opposed or undecided regarding legislative intervention in this area.

Undoubtedly, Canadian hate mongers bear serious watching, but we should not overestimate their importance or the strength. To date, their sporadic effort lead us to believe that they do not yet constitute a coherent, well organized social movement. Nor do I feel that they can gain the kind of grass roots, citizen support that has made other contemporary hate movements relatively successful—and I am here referring to the White Citizens’ Council movement in the United States, the revival of the Ku Klux Klan and the misguided efforts of the Black Muslims. Unfortunately, the groups have fundamental support and are well rooted in the American social milieu.

leaders need followers and a house of latent hate in the populace which to feed. They also need an apathetic, disinterested public which, by its inaction, will allow them to gain a strong hold in the society.

Without minimizing the venomous nature of the hate literature and its ability to take hold among some elements of the population, we should not overlook the fact that there are numerous inter-racial and committed organizations in Ontario operating in the human rights field and serving as an effective antidote to the insidious work of the hate peddlers.

Explicit pronouncements have been made by the Catholic Church, all of the other Protestant denominations, the trade union movement, and numerous civic organizations, morally condemning these activities.

★ ★ ★

During the time that this problem is being studied at the federal level, the Commission would recommend that certain immediate steps be considered to curtail the influence of hatemongering.

Firstly, on the governmental level, one of the best antidotes to the current hate campaign is a well-informed public that knows and actively supports the human rights legislation that now exists in seven provinces. While the sponsors and employees of the Canadian hate program are busy seeking to extend their area of infection, we should be equally busy, actively creating, within the framework of existing federal and provincial human rights legislation, a heightened interest in human dignity. Just as vaccines are invented to prevent physical disease, new and imaginative educational programs can be designed to immunize the public from the current menace by instilling proper social attitudes in all people regarding race, religion and nationality. Therefore, we would invite a conference of those provincial and federal authorities responsible for administering human rights legislation to discuss the extent to which the hatemongers have been active in each province and to assess the programs they are now using or propose to use in educating the public to this problem.

★ ★ ★

In the more than two decades since the passage of the first anti-discrimination legislation in Canada, there has not been

one meeting where human rights administrators — federal and provincial — sat down and discussed their techniques, assessed the effectiveness of their educational programs and proposed new ideas. Our Commission feels that this type of communication is desperately needed and we sincerely hope that the federal government, with its well-established fair employment practices program, will give this proposal thoughtful consideration.

In Ontario we have found that the legislation cannot function for the benefit of the public, it cannot counteract the bigots in our midst unless it is accompanied by an active educational program, strongly supported by educational institutions, labour organizations, employers' groups, religious and social welfare agencies.

In the last year, these groups have gone beyond the stage of simply making statements of belief and adherence to our legislation. They are now committing themselves to actual projects, human rights programs, provocative discussion groups, human rights film nights, and the referral of cases and problems to us. Many employers, for example, now discuss proposed employment application forms with the Commission before they are printed to assure compliance with the legislation. These recent developments, a direct outcome of an intensified educational program, tend to create a more enlightened social climate, and

make the hate peddlers' work more difficult.

Secondly, we would recommend that the social scientists in Canadian universities give more consideration to studying and measuring the social attitudes of our population regarding hate literature and minority groups. Those of us in the human rights field have many hunches, but not enough facts. Empirical research can give valuable direction to us and thereby increase our effectiveness.

Thirdly, while we recommend a conference among governmental authorities, we recognize that true progress in the human rights field must emanate from the people themselves. They, too, must co-operate and work out educational programs to minimize the effects of hate. Voluntary, religious, educational and private organizations can create, at the community level, a climate of understanding and mutual respect in which all our people of whatever racial, religious or cultural background will be made to feel that all are equal in dignity and rights.

Essentially, we are recommending an intensified effort by all of the major institutions within the society — governmental and voluntary — committed to protecting human dignity. We must recognize that racial and religious hate directed against any person threatens not only the individual affected, but the very institutions and foundations of our society.



'Wee Pals': A long way from Stereotype

by "Morrie"

from Newsweek

LETTERS and COMMENT

Youthful "Sit-ins" and Adult Fence-Sitters

RECENT letters to the press have seriously questioned the sincerity, the right and the motives of university students to picket the United States Consulate and, indeed, of our Bishop Suffragan and members of Parliament. Conversely, the president of the University of Toronto has expressed his pleasure, as have many other citizens. May I add mine?

The students are to be commended for their concern and vigilance. Albeit, young people are more idealistic than their adult cynics and fence-sitters (who once were young) and some may have taken occasion to play the fool. But the majority were expressing a real objection.

It is encouraging to see university students exhibiting a social conscience about matters of life and death. In recent years their displays of enthusiastic caring have been directed not only to the problems of other countries but of Canada also—the march of some 3,000 students to Queen's Park in 1963 to protest the inadequate solution to the problems of Confederation, and the involvement of hundreds of students, in summer, in projects concerning Indians, Doukhobors and plain Anglo-Saxons.

Perhaps their enthusiasm and concern for problems pertaining to human relationships prick the conservative, passive adult conscience which couldn't arouse itself to turn out more than 40 per cent of the votes in the last civic election. People in glass houses. . .

Don't knock the students. Their objection is right within freedom to live and learn. Besides, they bespeak the courage many once had at their age.

Rev. Keith Wm. Gleed
Assistant Priest.

The Cathedral Church of St. James.

★ ★ ★

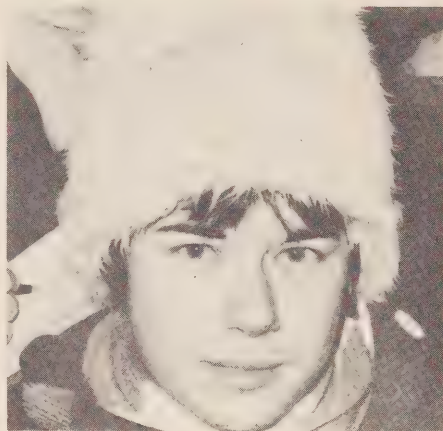
Human Dignity

I MUST thank you and your Commission for the marvellous efforts you are making to ensure that human dignity and rights are not denied anyone in this province. The role the Commission played in my own case is one the memory of which will remain with me until death. May you never relax your zeal.

Once again, thank you.

Albert O. Uhiara

Church Street
Toronto, Ontario



Lynn Burrows

"You Couldn't Pay Me"

LYNN BURROWS, a second year student at Toronto University took part in a student exchange with the University of North Carolina last fall.

As a result of her experience she spent 40 cold hours on the sidewalk outside the United States Consulate on Toronto's University Ave., protesting with her fellow students against the treatment of United States Negroes.

"You couldn't pay me to stay here", said Lynn. "It is not something that can be explained or understood in monetary terms.

"We are here to express our concern over what is happening in Alabama and we are determined to stay here until the United States government takes action to ensure political freedom in the South. "Southern segregationists want to leave the Negro facing a blank wall — they don't let him vote because he can't pass a literacy test and they won't let him vote to elect those who would assure him an education.

"Sure I'm cold — so cold I don't know if I can think clearly enough to explain just how I feel.

"But being cold and even risking possible arrest for civil disobedience is nothing compared to the danger facing the white people of the South and their families when they speak out."

Paying the Price

WHEN asked whether the non-violent civil rights demonstrators were on occasion guilty of defying the law even as members of the white Citizens Council defy it, Judge Thurgood Marshall replied (roughly) as follows: "When civil rights demonstrators break the law to protest against an unjust social order they are willing to pay the price — to go to jail if necessary — in order to witness to what they believe in. I wonder if the members of the white Citizens Council are willing to do the same?"

The tradition of civil disobedience in our country is an old one. When Henry Thoreau refused to pay taxes that were being used to finance a war that he regarded as unjust, he was imprisoned. When Ralph Waldo Emerson visited him, he said, "Henry, why are you here?" And Thoreau replied, "Waldo, why are you not here?"

Malcolm L. Diamond

Princeton University
Princeton, N.J.

From Times

★ ★ ★

Let's Drop the Color Business

IT is disappointing to discover that some newspapers still find it convenient to note in their police reports that a person is coloured. This archaic inclusion long since should have been relegated to the refuse heap. And we cannot help but note, too, with wry attention that no offender is ever designated as being "white."

What a man's color, race, creed or birthplace has to do with being charged should be of no concern to anyone, with the possible exception of psychiatrists and other professional persons directly concerned with a rehabilitation program.

Surely in the interests of justice the discriminatory practice of specifying color should be completely abolished. Color no longer has any place in our society. And never should have had.

Uxbridge Times Journal

WHOSE CLAIM SHOULD PREVAIL?

"CAN a member of a race that suffers from discrimination justifiably ask society through its branches of government to take steps to protect him from the hurt he suffers through refusal by persons in business or trade to treat him the same as anyone else? In my opinion, the answer is yes; and all that is left is to weigh the victim's claim against that of the person who would discriminate and ask the next question, which of the conflicting claims should prevail in our society?

—F. W. Bowke

Quality of Opportunity for Canada's Indians

AS shocked and disgusted with the recent C.B.C. television presentation, "Because They Are Different." It was downright degrading to all Canada's first citizens to show such a film depicting the poverty, laziness and filth of Canadian Indians.

I am a Canadian Indian living on a reservation and very, very proud to be able to claim that nationality. I realize that such conditions do exist on some Indian reservations, but the same thing applies to white communities too.

You name me one village, town or city across Canada without sections where such conditions as this film depicted do not exist. The photographers could not have to travel into the backwoods either to get such pictures. It is all around you all the time. The only difference is that it is not flaunted in front of the white man on television.

How would a white man like to see a barber picking lice out of his son's hair on a nationwide TV program? This problem has been among all races for years, whether they be black or white. And after all, it was it that brought all the disease and vermin to the Indians in the first place?

★ ★ ★

WHAT I cannot understand is why a National Film Board photographer travels to remote areas where Indians have not had half a chance to show what they could do if they had electricity, running water and modern schools for their children, and decent employment for their men and women.

Why not show pictures which would inspire Indians to take pride in themselves?

I have yet to see a film depicting conditions on an Indian reserve where such conditions do not exist. I am proud to say that they do not exist on the reservation where I live. Most of the Indians here live in modern homes, complete with electricity, all electric appliances, running water, or if not running water at least a good well for fresh drinking water and washing. Most of them own a car, too.

I would not be afraid to put my house up against any white man's and, furthermore, there are no children running around here with lice in their hair.

Canada spends millions of dollars every year sending CARE boxes to needy people in foreign countries and in persuading immigrants to come to Canada to take jobs away from people who belong here. Why not spend some of that money training your own first citizens to take on better jobs and build better schools to help educate them on the reservations?

Discrimination against Indians in Canada does exist. But an Indian must bear in mind that he is just as good as anyone of whatever race.

Mrs. Eileen Smoke
Alderville Indian Reservation,
Roseneath, Ont.

★ ★ ★

"Children Live It"

IT is refreshing to read the sincere and heartfelt articles in your publication. They should be distributed to every home, digested, thought upon and then used in everyday dealings. What a simple thing, what a wonderful thing that would be.

In these days, your moral convictions are tried daily and even the staunchest ideals sometimes falter. Your publication bolsters them. The simplest truths must be the best. Your paper shouts one — The Golden Rule — plain and simple — this we must adhere to. Children do it unwittingly, as evidence within my grades five and six. We as adults, teach them bigotry and prejudice. "Human Relations" is reading for adults. Most children wouldn't understand it. They just live it.

Eleanor Harder
(Mrs. H. A. Harder)

London, Ont.

Yeast of Individuality

THERE are people in Canada who think in terms of the "melting pot." They would like to see French Canadians mixed into the same dough as are other elements newly arrived from European countries and elsewhere.

On this subject, let us cite for the edification of these biased bakers a statement made by the British Travel Association. While boosting the real charms of Britain, the agency notes that the country's variety is a result of its being composed of four peoples — English, Scottish, Welsh and Northern Irish, all loyally united and preserving their individuality.

That's a state of things worthy of thought on the part of those in Canada who cherish the idea of one day seeing the French Canadians assimilated into one big Canadian whole. It must be remembered that French-Canadians are proud of being Canadians, but also are extremely fond of the adjective French.

★ ★ ★

People who are in the majority in Canada should not seek to wipe out the minority.

On the contrary, they should aid that other group to fulfil itself so as to make Canada a country where the melting pot has no right to exist.

In the United States the melting pot is not nonsense, because there is a unity of language. But in Canada it would be all wrong.

Here the two founding peoples must perpetuate their ancestral virtues. The line leading from the past is still the vital force pointing to the future.

From Ottawa LeDroit

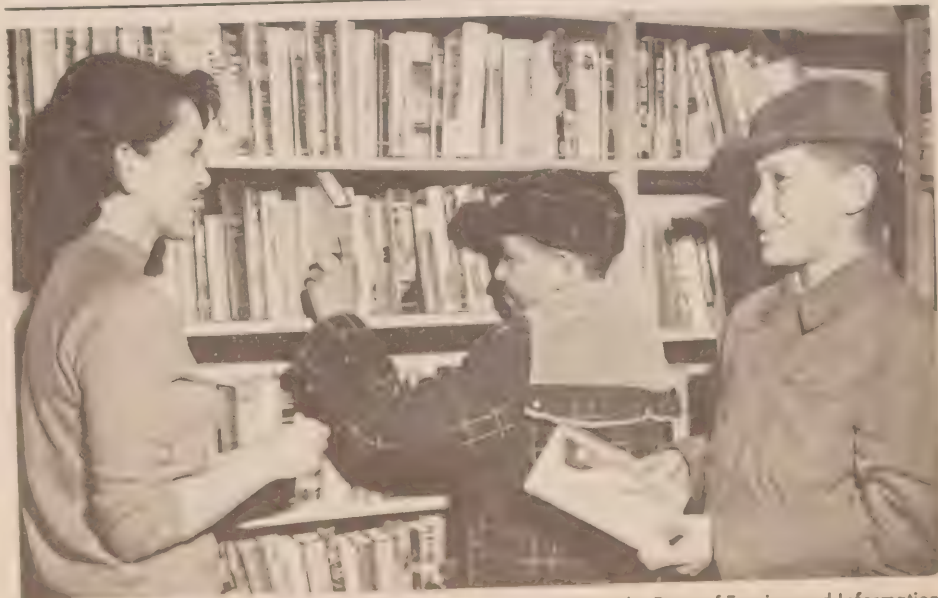


Photo by Dept. of Tourism and Information.

Librarian Daisy Faries helps Indian boys select books from the library at Moose Factory, Ontario.

THE MARCH OF OPINIONS*

A PAGE FROM HISTORY

By HENRY THOMAS BUCKLE

IN 1795, a law was passed in England, by which it was manifestly intended to put an end for ever to all popular discussions either on political or religious matters. For by it every public meeting was forbidden, unless notice of it were inserted in a newspaper five days beforehand; such notice to contain a statement of the objects of the meeting, and of the time and place where it was to assemble.

And, to bring the whole arrangement completely under the supervision of government, it was ordered, that not only should the notice, thus published be signed by householders, but that the original manuscript should be preserved, for the information of the justices of the peace, who might require a copy of it: a significant threat, which, in those days, was easily understood. It was also enacted that, even after these precautions had been taken, any single justice might compel the meeting to disperse, if, in his opinion, the language held by the speakers was calculated to bring the sovereign or the government into contempt; while, at the same time, he was authorised to arrest those whom he considered to be the offenders. The power of dissolving a public meeting, and of seizing its leaders, was thus conferred upon a common magistrate, and conferred too without the slightest provision against its abuse. To this it was added, that if the meeting should consist of twelve, or upwards of twelve persons, and should remain together for one hour after being ordered to separate—in such case, the penalty of death was to be inflicted, even if only twelve disobeyed this the arbitrary command of a single and irresponsible magistrate.

★ ★ ★

IN 1799, another law was passed, forbidding any open field or place of any kind, to be used for lecturing or for debating, unless a specific license for such place had been obtained from the magistrates. It was likewise enacted, that all circulating libraries, and all reading-rooms, should be subject to the same provision; no person, without leave from the constituted authorities, being permitted to lend on hire in his own house, newspapers, pamphlets, or even books of any kind. Before shops of this sort could be opened, a license must first be obtained from two justices of the peace; which, however, was to be renewed at

*Excerpt from The History of Civilization in England by Henry Thomas Buckle.

Magna Carta

1215-1965

Seven hundred and fifty years ago, in a green meadow at Runnymede, there was established the principle that the caprice of despots must yield to the reign of law, and that the inalienable rights of the individual citizen as defined by law must at all times prevail.

That principle was to be challenged—and to triumph many times in the centuries that followed. The events of one such period during the 18th century was graphically recorded by the English historian Henry Thomas Buckle (1857), portions of which are reprinted in these pages.

Here is another reminder that vigilance is indeed the price of liberty and that succeeding generations will have to stand on guard in its defence.

The anniversary of the Great Charter brings to mind again the memorable words of Sir Winston Churchill—"Whenever the state, swollen with its own authority has attempted to run roughshod over the rights and liberties of the people it is to the doctrine of the Magna Carta that appeal has again and again been made, and never, as yet, without success."

least once a year, and might be revoked at any intermediate period. If a man lent books without the permission of the magistrates, or if he allowed lectures or debates, "on any subject whatever," to be held under his roof, then, for such grievous crime, he was to be fined 100/- a-day; and every person who aided him, either by presiding over the discussion, or by supplying a book, was for each offence to be fined 20/-. The proprietor of so pernicious an establishment was not only to suffer from these ruinous fines, but was declared liable to still further

punishment as the keeper of a disorderly house.

To modern ears it sounds somewhat strange, that the owner of a public reading-room should not only incur extravagant fines, but should also be punished as the keeper of a disorderly house; and that all this should happen to him, simply because he opened his shop without asking permission from the local magistrates. Strange, however, as this appears, it was, at all events, consistent, since it formed part of a regular plan for bringing not only the actions of men, but even their opinions, under the direct control of the executive government. Thus it was that the laws, now for the first time passed, against newspapers, were so stringent and the prosecution of authors so unrelenting, that there was an evident intention to ruin every public writer who expressed independent sentiments. These measures, and others of a similar character, excited such alarm, that, in the opinion of some of the ablest observers, the state of public affairs was becoming desperate, perhaps irretrievable.

★ ★ ★

THE extreme despondency with which late in the eighteenth century, the best friends of liberty looked to the future, is very observable, and forms a striking feature in their private correspondence. And although comparatively few men ventured to express such sentiments in public, Charles Fox, whose fearless temper made him heedless of risk, openly stated what would have checked the government, if any thing could have done so. For this eminent statesman did not hesitate to say, from his place in parliament, in 1795, that these, and other shameful laws which were proposed, should be actually resisted, forcible resistance to the government would be merely a question of prudence; and that the people, if they felt themselves equal to the conflict, would be justified in withstanding the arbitrary measures by which their liberties were sought to extinguish their liberties.

Nothing, however, could stop the government in its headlong career. The ministers, secure of a majority in both houses of parliament, were able to carry their measures in defiance of the people who opposed them by every mode short of actual violence. And as the object of these new laws was, to check the spirit of inquiry, and prevent reforms, which the progress of society rendered indispensable, there were also brought into play other means subservient to the same end. It is no exaggeration to say, that for some years England was ruled by a system of absolute terror. The ministers of the day, turning a struggle of power

a war of proscription, filled the
s with their political opponents,
followed them, when in confinement,
treated with shameful severity.

★ ★ ★

man was known to be a reformer,
was constantly in danger of being
ed; and if he escaped that, he was
ed at every turn, and his private
s were opened as they passed
gh the post-office. In such cases, no
les were allowed. Even the conce
of domestic life was violated. No
ment of government was safe under
wn roof, against the tales of eaves-
pers and the gossip of servants. Dis-
was introduced into the bosom of
lies, and schisms caused between
nts and their children. Not only
e the most strenuous attempts made
lence the press, but the booksellers
e so constantly prosecuted, that they
not dare to publish a work if its
or were obnoxious to the court. In-
l, who ever opposed the government
proclaimed an enemy to his country.
tical associations and public meetings
e strictly forbidden. Every popular
er was in personal danger; and every
ular assemblage was dispersed, either
threats or by military execution. That
eful machinery, familiar to the worst
of the seventeenth century, was put
o motion. Spies were paid; witnesses
e summoned; juries were packed.
e coffee-houses, the inns, and the
bs, were filled with emissaries of the
ernment, who reported the most
ty expressions of common conversa-
n. If, by these means, no sort of evi-
nce could be collected, there was
other resource, which was unsparingly
ed. For, the habeas-corpus act being
stantly suspended, the crown had the
wer of imprisoning without inquiry,
d without limitation, any person offen-
e to the ministry, but of whose crime
proof was attempted to be brought.
Such was the way in which at the
d of the eighteenth century, the
lers of England, under pretence of pro-
tecting the institutions of the country,
pressed the people, for whose benefit
ne those institutions ought to exist. Nor
is even this the whole of the injury
ey actually inflicted. Their attempts to
p the progress of opinions were inti-
ately connected with that monstrous
stem of foreign policy, by which there
is been entailed upon us a debt of un-
ampled magnitude. To pay the interest
this, and to meet the current expenses
a profuse and reckless administration,
ves were laid upon nearly every
oduct of industry and of nature. In the
st majority of cases, these taxes fell
pon the great body of the people, who

THE STATE

What constitutes a state?

*Not high-raised battlements, or laboured mound,
Thick wall or moated gate;
Nor cities fair, with spires and turrets crown'd
No:—men, high minded men,
With powers as far above dull brutes endued
In forest, break or den,
As beasts excel cold rocks and brambles rude —
Men who their duties know,
But know their rights, and knowing dare maintain;
Prevent the long aimed blow
And crush the tyrant while they rend the chain.*

Alcaeus "The State" (c. 600 B.C.)

As adapted by Sir William Jones

were thus placed in a position of singular
hardship. For the upper classes not only
refused to the rest of the nation the re-
forms which were urgently required, but
compelled the country to pay for the pre-
cautions which, in consequence of the
refusal, it was thought necessary to take.

★ ★ ★

THUS it was, that the government dim-
inished the liberties of the people, and
wasted the fruit of their industry, in
order to protect that very people against
opinions which the growth of their
knowledge had irresistibly forced upon
them.

It is not surprising that, in the face of
these circumstances, some of the ablest
observers should have despaired of the
liberties of England, and should have be-
lieved that, in the course of a few years,
a despotic government would be firmly
established. Even we, who, looking at
these things half a century after they
occurred, are able to take a calmer view,
and who moreover possess the advan-
tages of a larger knowledge, and a riper
experience, must nevertheless allow that,
so far as political events were concerned,
the danger was more imminent than at
any moment since the reign of Charles I.

★ ★ ★

BUT what was forgotten then, and
what is too often forgotten now, is,
that political events form only one of
the many parts which compose the his-
tory of a great country. In the period we
have been considering, the political
movement was, no doubt, more threaten-
ing than it had been for several genera-
tions. On the other hand, the intellectual
movement was, as we have seen, highly
favourable, and its influence was rapidly

spreading. Hence it was that, while the
government of the country tended in one
direction, the knowledge of the country
tended in another; and while political
events kept us back, intellectual events
urged us forward. In this way, the
despotic principles that were enforced
were, in some degree, neutralised; and
although it was impossible to prevent
them from causing great suffering, still
the effect of that suffering was to in-
crease the determination of the people to
reform a system under which such evils,
could be inflicted. For while they felt
the evils, the knowledge which they had
obtained made them see the remedy.

★ ★ ★

THEY saw that the men who were at the
head of affairs were despotic; but they
saw, too, that the system must be wrong,
which could secure to such men such
authority. This confirmed their dissatis-
faction, and justified their resolution to
effect some fresh arrangement, which
should allow their voices to be heard in
the councils of the state. And that reso-
lution, I need hardly add, grew stronger
and stronger, until it eventually produced
those great legislative reforms which
have already signalled the present cen-
tury, have given a new tone to the
character of public men, and changed
the structure of the English parliament.

It is thus that, in the latter part of
the eighteenth century, the increase and
diffusion of knowledge were in England,
directly antagonistic to the political
events which occurred during the same
period. We have seen that, looking at
our country as a whole, the obvious

(Continued on page 10)

MARCH OF OPINIONS—Continued

tendency of affairs was to abridge the authority of the church, the nobles, and the crown, and thus give greater play to the power of the people. Looking, however, at the country, not as a whole, but looking merely at its political history, we find that the personal peculiarities of George III, and the circumstances under which he came to the throne, enabled him to stop the great progress, and eventually cause a dangerous reaction. Happily for the fortunes of England, those principles of liberty which he and his supporters wished to destroy, had before his reign become so powerful, and so widely diffused, that they not only resisted this political reaction, but seemed to gain fresh strength from the contest. That the struggle was arduous, and at one time extremely critical, it is impossible to deny. Such, however, is the force of liberal opinions, when they have once taken root in the popular mind, that notwithstanding the ordeal to which they were exposed, and notwithstanding the punishments inflicted on their advocates, it was found impossible to stifle them; it was found impossible even to prevent their increase. Doctrines subversive of every principle of freedom were personally favoured by the sovereign, openly avowed by the government, and zealously defended by the most powerful classes; and laws in accordance with these doctrines were placed on our statute-book, and enforced in our courts.

* * *

ALL, however, was in vain. In a few years, that generation began to pass away; a better one succeeded in its place; and the system of tyranny fell to the ground. And thus it is, that in all countries which are even tolerably free, every system must fall, if it opposes the march of opinions, and gives shelter to maxims and institutions repugnant to the spirit of the age. In this sort of contest, the ultimate result is never doubtful. For the vigour of an arbitrary government depends merely on a few individuals, who, whatever their abilities may be, are liable, after their death, to be replaced by timid and incompetent successors. But the vigour of public opinion is not exposed to these casualties; it is unaffected by the laws of morality; it does not flourish to-day, and decline to-morrow; and so far from depending on the lives of individual men, it is governed by large general causes, which, from their very comprehensiveness, are in short periods scarcely seen, but on a comparison of long periods are found to outweigh all other considerations, and reduce to insignificance those little stratagems by which princes and statesmen think to disturb

DANGEROUS SHORT CUTS

"HISTORY shows that governments bent on a crusade or officials filled with ambitions have usually been inclined to take short cuts. The cause being a noble one (for it always is), the people being filled with alarm (for they usually are), the Government being motivated by worthy aims (as it always professes), the demand for quick and easy justice mounts. These short cuts are not as flagrant perhaps as a lynching, but the ends they produce are cumulative, and if they continue unabated they can silently rewrite even the fundamental law of the nation."

*Mr. Justice William O. Douglas,
United States Supreme Court*

the order of events, and mould to their will the destinies of a great and civilized people.

These are broad and general truths, which will hardly be questioned by any man who, with a competent knowledge of history, has reflected much on the nature and conditions of modern society. But during the period we have been considering, they were utterly neglected by our political rulers, who not only thought themselves able to check the growth of opinions, but entirely mistook the very end and object of government. In those days, it was believed that government is made for the minority, to whose wishes the majority are bound humbly to submit. It was believed that the power of making laws must always be lodged in the hands of a few privileged classes; that the nation at large has no concern with those laws, except to obey them; and that it is the duty of a wise government to secure the obedience of the people by preventing them from being enlightened by the spread of knowledge.

* * *

WE may surely deem it a remarkable circumstance, that these notions, and the schemes of legislation founded upon them, should, within half a century, have died away so completely, that they are no longer advocated, even by men of the most ordinary abilities. What is still more remarkable is, that this great change should have been effected, not by any external event, nor by a sudden insurrection of the people, but by the unaided action of moral force,—the silent, though overwhelming, pressure of public opinion.

This great and salutary reaction began early in the present century. Every thing which has been done, has increased the influence of the people. Blow after blow has been directed against those classes which were once the sole deposi-

taries of power. The Reform Bill, the Emancipation of the Catholics, and the Repeal of the Corn Laws, are admitted to be the three greatest political achievements of the present generation. Each of these vast measures has depressed a powerful party. The extension of the suffrage has lessened the influence of hereditary rank, and has broken up that great oligarchy of landowners, by which the House of Commons had long been ruled. These measures and others which are now obviously inevitable, have taken and will continue to take, power from particular sections of society, in order to confer it upon the people at large. Indeed, the rapid progress of democratic opinions is a fact which no one in the present day ventures to deny. Timid and ignorant men are alarmed at the movement; but that there is such a movement is notorious to all the world. No one dares to talk of bridling the people, or resisting their united wishes. The utmost that is said is, that efforts should be made to inform them as to their real interests, and enlighten public opinion; but every one allows that, so soon as public opinion is formed, it can no longer be withstood. On this point all are agreed; and this new power, which is gradually superseding every other, is now obeyed by those very statesmen who, had they lived sixty years ago, would have been the first to deny its authority, ridicule its pretensions, and if possible, extinguish its liberty.

* * *

SUCH is the great gap which separates the public men of our time from those who flourished under that despotic system which George III sought to perpetuate. And it is evident, that this progress was brought about rather by destroying the system, than by improving the men. It is also evident, that the system perished because it was unsuitable.

(Continued on page .

HUMAN RIGHTS FILMS

FILMS are playing an increasingly important part in Community efforts to combat prejudice and advance the cause of human rights. Those listed below are admirably suited for schools, churches and community organizations and are probably available at your local Film Library. For further information may be had by writing the Ontario Human Rights Commission.

BOY NEXT DOOR

(The National Film Board of Canada)
22 mins. Colour or Black and White.

An engaging study of two little people coming from different backgrounds, to them, is just an insurmountable mental barrier to understanding. A French-speaking Jacques moves next door to English-speaking Jimmy, who is amazed to find out that the other can't speak his language. But when Jimmy has a bicycle to try out, a horse to go see, a spooky house to explore — the language barrier just doesn't seem to matter. They get along very well exchanging news and things as best they can, and each is venturing into the other's language.

★ ★ ★

SEVEN VAREK

(The National Film Board of Canada)
22 mins. Black and White. 1952.

A portrayal of the problems of adjustment faced by the European immigrant in Canada, and of how he may come to terms with life in his adopted country. In the courtroom ceremony where a group of new Canadians are taking their

oaths of citizenship, the film flashes back five years to the time of their arrival.



Scene from NFB film *The Boy Next Door*

ARCH OF OPINIONS—Continued

the age; in other words, because a progressive people will never tolerate an unprogressive government. But it is a matter of history, that our legislators, even to the last moment, were so afflicted by the idea of innovation, that they refused every reform, until the voice of the people rose high enough to awe them into submission, and forced them to grant what, without such pressure, they would by no means have conceded. These things ought to serve as a lesson to our political rulers. They ought to moderate the presumption of legislators, and teach them that their expedient measures are but temporary expedients, which it will be the business of a later and wiser age to efface. It would be well if such considerations were to check the confidence, and silence the loquacity, of those superficial men, who, raised to temporary power, think themselves bound to guarantee certain institutions, and uphold certain opinions. They ought clearly to understand, that they do not lie within their function thus to anticipate the march of affairs, and provide for distant contingencies.

IN the present state of knowledge, politics, so far from being a science, is one of the most backward of all the arts; and the only safe course for the legislator is, to look upon his craft as consisting in the adaptation of temporary contrivances to temporary emergencies. His business is to follow the age, and not at all to attempt to lead it. He should be satisfied with studying what is passing around him; and should modify his schemes, not according to the notions he has inherited from his fathers, but according to the actual exigencies of his own time. For he may rely upon it, that the movements of society have now become so rapid, that the wants of one generation are no measure of the wants of another; and that men, urged by a sense of their own progress, are growing weary of idle talk about the wisdom of their ancestors, and are fast discarding those trite and sleepy maxims which have hitherto imposed upon them, but by which they will not consent to be much longer troubled.

EVERYBODY'S PREJUDICED

(The National Film Board of Canada)
22 mins. Black and White. 1961.

A consideration of prejudice by two men sharing a park bench who are able to "look in" on life in five apartments opposite them. The film distinguishes between the kind of prejudice which everyone employs in the sense of "prejudging" — making decisions without knowing all the facts — and that displayed by the unreasoning bigot who hates new neighbours simply because they are different from his own group.

★ ★ ★

FAMILY TREE

(The National Film Board of Canada)
15 mins. Colour. 1949.

An animated cartoon depicting the settlement of Canada, and the contributions made by the members of the many nationalities who settled in the country. The arrival of Jacques Cartier, the fishing and fur trades, the battle of the Plains of Abraham, the arrival of the United Empire Loyalists, the west coast gold rush, the arrival of many European settlers to fill the great spaces of the prairies, all are shown in the film.

★ ★ ★

FIRES OF ENVY

(The National Film Board of Canada)
30 mins. Black and White. 1957.

A dramatization of Canadian author W. O. Mitchell's penetrating story about the racial prejudice encountered by a Polish immigrant farmer in a rural community. The film employs the events of a farming community to lay bare some universal truths about the unthinking discrimination practised against a man who is different from his English-speaking fellow-farmers.

★ ★ ★

THE LONGER TRAIL

(The National Film Board of Canada)
30 mins. Black and White. 1956.

The story of a young Indian from a reserve who contracts tuberculosis and is thrust into the world of the white man. After hospitalization, he learns that he will never be able to return to the vigorous outdoor life of the reserve. In learning a trade and getting a job in the city, he encounters prejudices which make his adjustment more difficult.

★ ★ ★

OUR TOWN IS THE WORLD

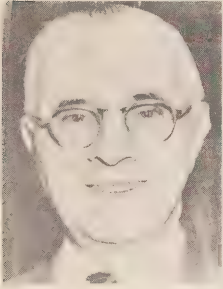
(The National Film Board of Canada)
11 mins. Black and White. 1950.

This story of friction between two groups of youngsters in an average Canadian town reproduces in miniature the problems of national ill-will and rivalry facing the United Nations. The film uses the common, universal example of a children's quarrel to explain some aspects of the Universal Declaration of Human Rights.

By LOUIS FINE

Commission Round-Up

THE Commission's program will be broadened this summer with the opening of two new offices in Port Arthur and Windsor. The new offices to be staffed by trained Human Rights Officers carrying out an enforcement and educational program, mark the beginning of a regional plan to make the services of the Commission more available to residents throughout the province.



Louis Fine Duties of the field officer stationed at the Lakehead Cities of Port Arthur and Fort William will include working with the Indian population of the north in order to acquaint them with their rights under the Ontario Human Rights Code. An educational program will also be started in co-operation with Indian communities and other organizations committed to obtaining equality of opportunity for the Indian people of Ontario. The Windsor based officer, whose work will encompass a region extending to Chatham, will work with a number of human rights groups that have already been established in southwestern Ontario.

★ ★ ★

EDUCATION

SINCE December, Commission staff members have addressed a wide range of organizations including a teachers' association, a Chamber of Commerce, religious groups and the Georgian Bay 3rd Area Indian Folk School. Approximately 3,500 students also heard addresses by Commission staff in Fort William, Port Arthur, London and Toronto high schools. In addition, lectures on human rights and race relations were also delivered at the University of Western Ontario, McMaster University and the University of Toronto. Members of the Commission staff attended the inaugural meeting of the newly formed Canadian Civil Liberties Association.

President of the Association is the Honourable J. Keiller Mackay and the Executive Secretary is Mrs. Doris Dodds. The Commission extends its congratulations to this new group and intends to work closely with it in the future.

A monthly "film night" was started in March to acquaint organizations with some of the newer human rights films

A Useful Partner

IF it's true that discrimination can never be fully ended until we end prejudice, it's equally true that prejudice can never be ended until we end discrimination. And discrimination — the act — is subject to law, while prejudice — the motive — is not. Law is not a full substitute for sense and decency, but it's often a mighty useful partner."

—Ralph Allen

regarding prejudice and discrimination. On March 11th the Christian Family Movement of the Catholic Church saw films dealing with Ontario's Negro and Indian population. A film night will also be held on May 4th with representatives of the Ontario Men and Women's Public School Teachers' Federation. A number of human rights films suitable for children will be shown.

A specialized library consisting of documents, pamphlet material and books dealing with human rights in Canada is currently being established by the Commission under the direction of Mrs. C. Reid, a professional librarian. The library will serve primarily as a reference and research collection to assist organizations and students actively engaged in human rights work.

Requests for literature regarding the Code and our program continue to increase. During the last three months more than 37,000 pamphlets printed in French and English were distributed to the public.

★ ★ ★

RESEARCH

THE Commission is co-operating with Trinity College, University of Toronto, in a study of the attitudes of high school students towards different religious, national and racial groups. The study, which includes students from eight Toronto schools, is headed by Father Ian McKenzie, a professor at Trinity College and Mr. Sid Blum, Research Direc-

tor of the Hamilton and District Social Planning Council. This material should be of great value not only to the Commission, but to other organizations and individuals desirous of appraising our work.

McMaster University and the University of Windsor are now in the final stages of the research project which started for the Commission last year. A summary report of the findings, regarding socio-economic discrimination faced by a selected group of coloured and migrant people in Hamilton and Windsor, should soon be available.

Finally, six graduate students at the University of Toronto School of Social Work have recently completed Master's theses dealing with the history of fair practices legislation in Ontario, the administrative, employment and educational programs of the Commission.

★ ★ ★

CONCILIATION

THE Commission has investigated 12 formal cases during the period December 1964 to April 1965.

While discriminatory employment application forms accounted for many of these cases, there were also seven instances of employment discrimination and nine investigations involving public accommodation provisions of the Code. Thirteen complaints were also received from female employees stating that they were being paid less than male employees doing the same work in the same establishment.

Approximately 20 informal complaints were handled by the Commission in recent months. Complaints of this nature generally deal with employers and landlords who are exempt from the provisions of the Code.

HUMAN RELATIONS

Vol. 6 - June, 1965 - No. 1

**Published by the Ontario
Human Rights Commission
Department of Labour**
8 York Street, Toronto

Hon. H. L. ROWNTREE, Q.C.
Minister of Labour.

LOUIS FINE, LL.D., *Chairman*
THOMAS M. EBERLEE, *Secretary*
DANIEL G. HILL, *Director*
Joyce Applebaum,
Gordon Greenaway,
J. F. Nutland, *Members.*

Address all correspondence to:
Ontario Human Rights Commission
1260 Bay Street, ☎ ⑦ Toronto

PERIODICALS DEPARTMENT
[Humanities and Social Sciences]

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

December, 1965

No. 12



A Glimpse into the World of Children. (see page 21)

A NEW STUDY

Discrimination in Ontario

THE Ontario Human Rights Commission has recently received two studies conducted, at our request, by the distinguished sociologists, Dr. Rudolf Helling of the University of Windsor and Dr. Franklin Henry of McMaster University. The studies are based on samplings of Negroes, Japanese, Italians and Chinese in the cities of Windsor and Hamilton.



Dr. F. J. Henry

It has long been felt that the effectiveness of the Commission's work would be greatly increased if more factual information, of a socio-scientific nature, were available on

specific racial and minority groups in Ontario. The studies provide new information and insights into such factors as employment and residential patterns, historical development and minority group attitudes toward educational and police authorities. Both studies also reveal information on the employment aspirations of the respondents, as differentiated from their experiences, as they look for housing and seek jobs in Hamilton and Windsor.

Unfortunately, only a few of the major highlights of the studies can be given in the accompanying summary. The University of Windsor—having sampled and interviewed in three different ethnic communities—provided the Commission with a number of recommendations. These recommendations are reported in full.

Sociologists at McMaster University chose not to make specific recommendations but felt there were enough clues, emanating from the data, that the Commission would have little difficulty in deciding certain new orientations and programs for its work in Hamilton.

★ ★ ★

HAMILTON STUDY

THE study is based on 204 interviews conducted during the summer of 1964. In each interview the respondent discussed his experiences in housing, employment and public accommodations.

Interviews were completed with 79 per cent of the Negroes selected for interviewing, and 97 per cent of the Japanese. A number of comparisons of study data with information from the 1961 Census of population indicates that the samples were representative of

"It is the easiest thing in the world to find explanations to match your prejudices." —Anon.

Hamilton Negroes and Japanese-Canadians. The Census reported 918 Japanese in Hamilton in 1951 and 1,029 in 1961.

The Census also reported 375 Negroes in Hamilton in 1921 and 470 in 1961 for an increase of about 2.5 persons per year making an estimated total Negro population for 1964 of 477. The number of Negroes 20 years of age and over reported in 1961 was 247 or 52.6 per cent of the total, making an estimated 1964 adult Negro population of 257.

The Japanese sample consisted of two groups — about one-third were older persons who were born in Japan, migrated to British Columbia in the 1920's, or before and were resettled in Ontario during the war. Two-thirds of the coloured respondents were born in Ontario, nearly half in greater Hamilton. The other third came from other parts of North America and the West Indies.

Only 44 per cent of the Negroes are home owners compared with 69 per cent of all Hamiltonians and 81 per cent of the Japanese-Canadians. The few Japanese who rent homes pay about the average Hamilton rents, the Negroes

OUR COVER PICTURE

MOST camera fans would have waited for the youngsters to come out of the pipe to a better light — but the trained and sensitive eye of the distinguished American photographer Harry Garfield caught not just a picture of four children but a rare glimpse into the world of all children — a world without prejudice. This unusual photograph, taken in a public playground, has been chosen for publication in a leading American magazine. It appears in "Human Relations" by the special permission of Mr. Garfield.—Ed.

\$10-\$15 below average. House value reported by both samples are slightly below Hamilton average. Negro income are relatively low: only 46% of the Negro respondents earned \$4,000 or over compared with 70 per cent of the Japanese and 71 per cent of all Hamiltonians. The Japanese tend to have middle class occupations: clerical, sales, small business ownership, skilled labour; the Negroes lower class occupations: personal services, unskilled labour. The Japanese have considerably more than average education. The median years of education are 9.2, 11.5, and 9.2 for Hamiltonian Japanese and Negroes respectively.

★ ★ ★

ABOUT a third of the recent Ontario incidents of discrimination reported by Negroes and a fourth of those reported by the Japanese were judged by researchers to be of such a nature as to affect the offended person's generalized life chances. About 35 per cent of the incidents reported by both Negroes and Japanese involved housing, 25 per cent employment, 20 per cent public accommodation and 20 per cent other areas of life.

Japanese-Canadians who were more likely to report discrimination were those with relatively high incomes who frequently interacted with non-Japanese. Factors associated with discrimination among Negroes were found to be low income and frequent social interaction with non-Negroes.

★ ★ ★

Knowledge of the Commission

WHEN asked whether discrimination in employment and housing was against the law in Ontario, 81 per cent of the Negroes and 67% of the Japanese said that it was, but only 7% of the Japanese gave any evidence of knowledge of the Ontario Human Rights Code. Similarly, 70% of the coloured respondents and 53% of the Japanese said that they had heard of the Human Rights Commission, but only 13% of the Negroes and 15% of the Japanese had any clear idea of its purpose. In analyzing the emotional reaction to discrimination for Japanese and Negroes in the sample, the most frequent responses reported were anger, sadness and the hopeless feeling that, "it's not worth doing anything to combat it." In discussing the extent of militancy among Negroes and Japanese the study found that more than half of the Negroes as feeling that something should be done about discrimination compared with only a sixth of the Japanese. Forty per cent more of the Japanese than the Negroes were coded

er accepting nor rejecting discrimination but rather as feeling that discrimination was not a problem for them.

★ ★ ★

SELF-HELP and political action were the most frequent types of action suggested. Forty-three per cent of the Negroes and 21 per cent of the Japanese suggested that they should be given equal rights with whites, or suggested some type of governmental action to combat discrimination. Forty-three per cent of the Negro respondents and 19 per cent of the Japanese suggested some type of self-help.

Educational action to combat discrimination was suggested by 32 per cent of the Negroes and 16 per cent of the Japanese. But only 6 per cent of the Negroes and 19 per cent of the Japanese suggested that whites need education; whereas, 26 per cent of the Negroes and 14 per cent of the Japanese specified education as a type of individual self-help.

★ ★ ★

WINDSOR STUDY

THE Windsor study was conducted among 97 Negroes, 100 Italians and 100 Chinese. Although all other groups in



Dr. R. A. Helling

Essex county increased considerably between 1911 and 1961, the number of Negroes has remained relatively static. The 1961 Census of Canada reported 1,560 Negroes residing in Windsor and 156 in Sandwich West. However, there are 680 Negroes residing in other areas of Essex County.

In contrast to the Negro community in Windsor, which has existed for over 50 years, there were fewer than 50 Italians in the city 50 years ago. Today there are approximately 15,000.

Windsor Negroes have lived in this area longer than many other groups with the exception of French and a few English Canadians. Even newcomers have advanced more rapidly than long established Negroes.

★ ★ ★

Acceptance by Public Officials

OUTSIDERS know relatively little about the Chinese settlements in Windsor. Other racial and ethnic groups have frequent contact with the general population while the Chinese group lives in semi-isolation. Current estimates of the Chinese population are about 750 persons.

Treatment by public officials or those exercising public functions is

"OF MICE AND MEN"

HERE IS A MAN!—A pal of ours recently thought it would be a good idea to join the local Moose Club. He was given the application. Below the usual spaces for name, address, city, age, occupation, is this sentence (in very small type). "I hereby certify that I am of sound mind and body, being a member of the Caucasian, white race, and not married to one of any other race, and a believer in a Supreme Being." Our pal really wanted to join the Moose, but threw the application form in the trash — where it belongs.

It can be argued that Canadian Moose are only following the constitution of International HQ at Mooseheart, Ill. There's only one thing about that argument, if that's the line Canadian Moose take, they would appear to be more mice than Moose . . . Welcome to Selma, Ontario.

—Windsor Star

closely related to the general treatment accorded minority groups by the public. When questioned about such treatment one main area of complaint among Italians was unfair treatment by policemen, judges, court officials and lawyers. Social workers, nurses and doctors were also cited as cause for complaints.

Human Rights legislation has prevented discrimination in certain areas; the question remains, however, whether the legislation has had an impact on the overall position of Negroes in the community structure. In the economic field Negroes are under-represented in the higher ranks of the occupational pyramid and over-represented at the base. Employment of Negroes is concentrated in the automotive industries and in small service type companies. Of the 15 largest industries — using assessment as the criterion of measurement — nine have no Negro employees. None of the 15 companies employs a Negro in a managerial capacity and one company employs a Negro in a professional category.

Negroes voiced their greatest complaints against law enforcement officials and educational officers, followed by grievances against the municipal government and the churches.

Rather astonishing is the high amount of complaints against teachers and educational personnel who are presently excluded from the provisions of the Ontario Human Rights Code. In view of the fact that educational institutions are the main

vehicles of upward social mobility, it was surprising to find that educational institutions showed little awareness of minority group needs.

★ ★ ★

Occupation and Housing

EIGHTY-SEVEN out of 91 Italians reported fair treatment by their employers; 48 out of 49 Chinese said they were also fairly treated while 74 out of 87 Negroes flatly stated that their employers and fellow workers treated them unfairly.

In obtaining information on the occupational aspirations of workers in the Italian, Chinese and Negro communities an attempt was made to define the job ceiling as envisioned by the respondents. A job ceiling represents a real or imaginary line beyond which minority members may not advance. For example, a Negro might be hired as a janitor but not as a white collar worker. Especially in occupations where skills cannot be formally determined, status criteria have been used as a selection device. Minority group members, as low status persons, have few opportunities to advance. It was found that Italians perceive fewer job ceilings than Chinese who, in turn, perceive fewer limitations than Negroes. Almost 58 per cent of the Negroes interviewed set limits to their occupational aspirations. As a consequence, it would seem that few Negroes try to overcome these ceilings.

Language and education were the reasons given by Italians and Chinese for limitations in job aspirations and occupational mobility. Negroes, however, see colour prejudices, lack of education and age factors as significant brakes to their mobility. The new opportunities which have opened for Negroes under the impact of Human Rights Code and changed sentiments have not benefited older minority group members who continue to suffer from previously acquired handicaps.

★ ★ ★

HOUSING discrimination was more frequently reported among Chinese and Negro residents. The housing patterns seem to indicate a move away from rooming houses among Italians and Chinese but not among Negroes. It would seem that Italians experience housing difficulties at the time of their arrival. After the period of adjustment, there are few problems in housing except those of their own choice. There seems to be some patterns of discrimination towards Chinese, although the Chinese community is little concerned about it.

(Continued on page 4)

DISCRIMINATION IN ONTARIO

(Continued from page 3)

To Negroes, segregation and discrimination is enforced upon them in housing. The most effective pressures are enforced by informal methods and not by open discriminatory policy statements.

★ ★ ★

Windsor Recommendations

1. Greater dissemination of information about the Human Rights Code among minority groups. In the Windsor sample, the following responses to the question, "Have you ever heard of the Ontario Human Rights Commission", were recorded with the following results: 78 per cent of the Italians, 40 per cent of the Chinese and 24 per cent of the Negroes respondents were unaware of the Commission.

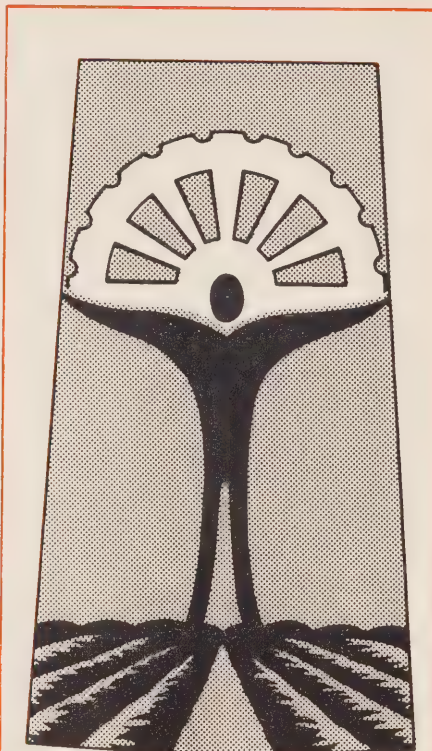
Information in their own languages about the Human Rights Commission should be made available to minority groups. It is rather surprising that foreign language minorities know little about the fact that discrimination in employment and housing is illegal in Ontario. 25 per cent of the Italians and 82 per cent of the Chinese did not know that discrimination in employment and housing is illegal.

2. More vigorous emphasis on observance of Human Rights legislation in the service field especially food services and drinking places which seem to practice discrimination against minority groups. The power of the provincial government in the granting or withholding of licenses, especially in dispensing of alcoholic beverages, should be utilized for the enforcement of Human Rights legislation. At the present time, the provincial government is willing to revoke licenses for various infractions of federal or provincial codes. This power should be expanded to include revocation of provincial licenses for violations of all provincial codes, including the Ontario Human Rights Code. Individuals or groups who avail themselves of privileges granted by the Province should use the privileges in a non-discriminatory manner. The Ontario Liquor Control Commission should emphasize to their licensees that the observance of Human Rights legislation is an integral part of general observation of law and order.

3. There should be special emphasis on the role of education in providing equal opportunities for minority group members. Language difficulties which immigrants have, can also be overcome by instruction in the English

language. Segregated neighbourhood schools are also a handicap towards equal opportunities. There should be renewed emphasis on the policies directing educational institutions that student achievements rather than social class criteria are the only accepted selection devices. To implement the policy that all people are equal in dignity and rights it is recommended that educational institutions come under the coverage of the Ontario Human Rights Code.

4. Law enforcement officers and minority group members should be made aware of each other and should over-



SYMBOL crest designed by Regina artist A. W. Davey for Saskatchewan's Diamond Jubilee.

As Mr. Davey explains it "the dominant element in the symbol and in Saskatchewan is its people". The human element in the crest represents the people from many lands whose courage and toil made the province's development possible.

The furrows at the base, represent the land which sustained the pioneers and was the vital source of Saskatchewan agricultural economy.

The gear wheel being held aloft represents the present changing economy with its development of new industry.

The symbol's field is shaped to represent Saskatchewan's appearance on the map of Canada.

come traditional suspicions and popular stereotypes. Awareness of diversity among population should become an integral part of police education. The Police College at Aylmer should stress public responsibility of law enforcement officers to all groups of the province in an impartial manner.

5. The service professions have an equal responsibility to all residents regardless of race or ethnicity. Health professionals should be reminded of their responsibility to all members of the community.
6. There should be a systematic testing of job ceilings. At the present time minority group members think that these ceilings are real and their behaviour is accordingly. Employers seem to deny the existence of the ceilings but infer that other employees might have attitudes reflective of job ceilings.
7. At the level of the Federal Government, there should be attempts to solve the problems of sponsored legal or illegal immigration in a humane and generous manner. Those persons who are present in Canada unless they are disqualified by previous crimes or acts of disloyalty, should be permitted to stay. Future sponsored migration should be strongly controlled in order to overcome ethnic ghettos. Placement of qualified and skilled migrants should be on a non-sponsored basis and from different regions and countries but without regard to nationality or race. Local federal officers have been patient and friendly approaches to minority group members started to overcome the traditional distrust of the Federal Government which was created by discriminatory policies at the senior government level, as for example, the head tax of previous legislation.

Fear of the government holds some immigrants under the control of ethnic employers. The federal government should clearly spell out the reasons for which a person is liable for deportation so that employers are unable to threaten employees with the long arm of the government.

8. There should be a greater awareness of the contributions which all persons in Windsor, regardless of race, creed or nationality, are making to the general welfare of the community. The racial, religious and ethnic diversities of Windsor have allowed innovation in production, distribution and services for the benefit of all. The potential contributions are even greater than realized at present and should be fully utilized.

FIVE YEARS OF PROGRESS

by T. M. EBERLEE

JUST a little over five years ago, the Human Rights legislation of Ontario was moved off the paper and put into flight. It appears now to have covered a great deal of distance, but has it reached any of its destinations?



T. M. Eberlee

Its objectives have been stated and restated many times on this basis:

1. To make secure in law the inalienable rights of every citizen; and

To create a climate of understanding and mutual respect among our people so that all will be afforded the unhindered opportunity to contribute their maximum to the enrichment of the whole community.

How does one measure the degree of progress being made in reaching these objectives?

Surely it is not in the same kind of terms recognized by both labour and management — the achievement of more business, more jobs, more members, more profits, more wages and so on. Certainly, for the Human Rights Commission, there is satisfaction each year in helping more individuals to break through more barriers to the full exercise of their rights as citizens. But, however naive it may be, in the face of the facts of life and of society, one would prefer in this field the sort of success that is gauged in terms of declining business and progress toward a complete winding-up of operations. The ideal would be the success enjoyed by the public health authorities in their war on polio, a war which has eliminated the disease, at least to the irreducible minimum.

★ ★ ★

BUT the field of human relations and the virus of prejudice are something else again. And the vaccine of enlightenment and education, coupled with conscientious and understanding implementation of the guarantees of the Human Rights Code, requires many years and much patience to take full effect.

There has been no pat formula for upholding and advancing the principle that every person is free and equal in dignity and rights regardless of race, creed, colour, nationality, ancestry or place of origin. The program has evolved through trial and error.

For many years, the guarantees and obligations of what is now the Ontario

"The light we have gained, was given us, not to be forever staring on, but by it to discover onward things more remote from our knowledge."

John Milton—1644

Human Rights Code stood on the statute books as little more than a noble expression of the best principles upon which our society is based. They stood there, like classic sculptures, worthy in themselves, but frozen in immobility and lodged in a museum frequented by only a few. After all, not many people make a habit of reading the statute books. And the ones least likely to read them are the people who most need the protection of the human rights legislation.

★ ★ ★

IN short, the then existing human rights statutes needed to be made meaningful. They needed to be widely understood and accepted; they needed to be used and applied. The rights they conferred needed to be fully exercised; the duties they imposed needed to be fully observed.

Not that there was large-scale and rampant violation of human rights in this province. Far from it. But there were many "pockets of prejudice and areas of discrimination". And, indeed, there was a fairly widespread climate of opinion that either had not been awakened to the existing injustices or simply accepted them as something society would have to go on living with. While there were several highly respectable — and highly effective — private organizations fighting the cause of human rights, social conformity seemed to demand that prejudice and discrimination be accepted as part of the natural environment, like bad weather. Today's conformity in this field is different. Of course it would be the worst kind of presumption to ascribe the change to the provincial government's human rights program, when the whole community has become involved, but in Ontario, the Commission has undoubtedly played the role of a catalyst.

It was to give life and meaning to the principles contained in the statute books that the Ontario Anti-Discrimination

Commission was set up in 1959. Its assigned task was to carry out an educational program against discrimination based on race, colour or creed. The Commission began in a modest way, through various means — pamphlets, conferences, newspapers, radio and television stations, the churches, community organizations and so on — to win, for the law, public awareness, support and compliance.

★ ★ ★

IT is all very well to be against something intolerable and to enlist general support in that behalf, but something positive must be substituted. Early in the Commission's career, the issue was spelled out in one of its publications: "We must view the fight against racial and religious prejudice . . . as nothing less than a concerted effort to strengthen the fabric of our national life". And this became the underlying policy of the Commission in all its subsequent efforts to engage public attention and action.

In an effort to maximize the effectiveness of the Commission's work, the Legislature in 1961 changed its name to Ontario Human Rights Commission. With its image thus placed in positive focus, the Commission began a steady enlargement of its educational program with growing support from community organizations.

In 1962, the several human rights statutes of the province were combined and strengthened in the Ontario Human Rights Code. With responsibility for both education and programs and enforcement of the Code's guarantees, the Commission found it imperative to build a full-time organization.

★ ★ ★

A DETAILED assessment of the Commission's role over the past five years is out of the question here. In the field of education, with the strong support of community organizations in all parts of Ontario, there is no doubt that great advances have been registered in making the aims of the Code better known and understood by our people. Moreover, those who face walls of prejudice have come to trust the Commission as an effective instrument for removing specific injustices. In the final analysis, Ontario will never again be what it was. Progress, although not capable of statistical measurement, has been made. There is still much to be done, but now it is highly possible that it will be done, if the Commission holds to a positive and reasonable course, appealing to and involving the conscience of the people of Ontario. In this way, the Commission might even come eventually to what, for it, would be the mark of ultimate success — a complete wind-up of operations.

LETTERS and COMMENT

WELCOMES CHANGES IN SCHOOL TEXTBOOKS

MAY I offer my heartfelt congratulations to your Commission and to the editors of "Human Relations" on the excellent work being carried on in defence of human rights and human dignity.

As a former Ontarian, a teacher, now in retirement, and for the past several years a resident in this southern state, I am particularly proud of the example being set by the government of my native province in applying the principles of the Universal Declaration of Human Rights in its community life.

Only recently one of my relatives sent me a publication bearing the title, "Education in Ontario" in which the Minister, Mr. Davis, announced his intention to remove from the school text books all material "which may be offensive to any of the groups that make up our multi-national Ontario family". Apparently not satisfied with that, he went on to say that his Department would make sure that in future, the text books will "contain the type of material which does full justice to the contribution of many peoples to the development of our province and nation."

★ ★ ★

AS one who received her early education in the days when some Ontario schools were based upon an exclusive W.A.S.P. concept of superiority, I can only tell you that my heart was warmed when I read those encouraging words. More power to this enlightened and forward looking Minister, who emphasizes the necessity for the school to plunge into the field of human relations, ethics and morality, and to stress concepts of service to others.

Mr. Davis is indeed on solid ground when he warns against dangers in our "things centered" society and when he supports the view that "the adult of the next generation must be inculcated with the idea that he is indeed his brother's keeper and that rugged individualism, whether on a personal or national basis, can not lead to anything but the destruction of democracy just as it did in ancient Athens".

I sincerely hope that these views of Mr. Davis will find an echo in the classrooms of Ontario schools and that he will have the support of the 60,000 men and

women who have been entrusted with the challenging task of preparing the children of today for their role as the citizens of tomorrow.

★ ★ ★

AS December 10 approaches, I am reminded that Canada, like my adopted country, has endorsed that most noble of documents the Universal Declaration of Human Rights, which assigns this sacred obligation to the teacher: — "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for peace."

If I may be permitted, through you, to make a suggestion to the Minister of Education, I would strongly urge that he have those words illuminated, framed and conspicuously displayed in every classroom in Ontario.

If they gain acceptance and become the aim of education in all countries, then the day will be hastened when the people of this world, regardless of race, creed or colour — or political views will, in the words of the saintly Pope John XXIII find it possible "to look at each other without mistrust, meet each other without fear and talk to each other without surrendering principle".

Blessings on you.

(Mrs.) Marion Grantmeyer
Richmond, Va.

★ ★ ★

"PLAYING SAFE"

I AM very much impressed by your bulletin "Human Relations". While passage of the Ontario Human Rights Code Amendment Act is a significant step in itself, I personally was appreciative of a short section in your June issue, page 2, titled "Nice People Must Speak Up". This is the "core" or the "meat of the matter". Tact and "playing safe" are altogether different matters and I am afraid far too few of us are too ready to

turn our heads, close our eyes and our hearts to abuses perpetuated on our neighbours. Individually, and then hopefully collectively, a majority of our citizens will make up to the fact that whether it is "convenient" or "safe", nevertheless is an inherent responsibility of man to indeed be his brother's keeper — and then do something about it.

It will be my pleasure to commend your bulletin to our Board of Trustees. Will you kindly provide me with twenty (20) copies of your June issue. All good wishes in your endeavours.

J. D. Flesher
Executive Director
United Appeal Service
Sault Ste. Marie, Ont.

★ ★ ★



Toronto Daily Star

★ ★ ★

WED WORDS TO DEEDS

I HAVE been an interested reader of "Human Relations" since its inception and have derived much information and inspiration from its well edited columns.

But, frankly when I come across such pictures as the enclosed (see cut), showing the degrading conditions in which many Indian Canadians are forced to live, I ask myself, "when are we going to practice what we preach about dignity and those inalienable rights on which our Code is based — and which Premier Robarts says are 'guaranteed in law'?"

I repeat, when are we going to wed words to deeds and grant long delayed justice to our Indian brethren?

Helen R. Morris
Kingston, Ontario

OF DUBIOUS VALUE

I HAVE recently received two copies of the June issue of Human Relations, being addressed to each of the two Companies. Please remove both these entries from your mailing list.

The purpose of this publication appears to be the normal one of a government department or agency to build up the employees concerned and try to justify, while at the same time increasing, their budget. I would also hazard a guess that most of the many copies you are apparently mailing to Ontario industry will quickly find a wastepaper basket. Very few business men have the time for such idle reading, being fully occupied in keeping their enterprises operating and providing taxes and employment in the face of interference, endless clerical cost and harassment by government and labour.

While I am personally in general sympathy with the aims of your agency I do not feel that more laws and a squad of enforcers is going to engender brotherly love and whole-hearted acceptance of the two races which mainly claim discrimination. However, like being for motherhood and against sin, it's good politically, and no other consideration is as important as you expand the scope and expense of your activities in this pathetically over-governed and bureaucrat-ridden province.

As I have stated to Mr. Robarts on several occasions, this human rights (for restaurant meals, accommodation and such relatively minor things) legislation is just a mockery as long as the province endorses labour contracts which deny a right to work and make a living, unless a member pays tribute to the coffers of a certain unit.

In the meantime at least grant me the right of being spared from your periodical reminder of yet another way in which the plunder level taxes exacted by Ottawa and Queen's Park are being squandered on activities of dubious value to the people called on to pay the ever-increasing shot.

Duro Aluminum Ltd.
W. G. Shambrook, president

Hamilton, Ont.

★ ★ ★

WELCOME

I JUST saw your advertisement on T.V. and would like to have one of your notices to put up in our restaurant, so all may know they are welcome.

Ruth Thumm
Voyageur Restaurant

R.R. No. 2, Preston, Ont.

ONTARIO FLASHBACK

"TYRANNICAL AND UNCHRISTIAN"

SEVERAL months ago a controversy developed in Georgetown's public school on the issue of language. Through the exercise of patience and common sense the citizens of the community were able to reach a mutually acceptable solution to the problem. It recalled to mind an incident of a much earlier period in the same community when religion was the cause of division and still another when the issue of free schools divided the citizens of Toronto.

It was back in the 1850's when Roman Catholic citizens in Georgetown protested against what they considered to be violations of the School Act. In his interesting biography of Egerton Ryerson, the late Prof. C. B. Sissons recalls both incidents:

"The . . . case . . . at Georgetown . . . involved a palpable violation of the right enjoyed under the Act by Roman Catholic children to absent themselves during the religious exercises of the public school. A zealous

young teacher, a Methodist, had failed to facilitate such abstention. The complaint did not reach Ryerson till it had been ventilated in the Mirror, which not only published a letter of the aggrieved father, one Maurice Carroll, but also a commendation of his fighting spirit by the Bishop:

"Shame to the Teacher, to the Methodist Divine, to the transgressor of the law; shame to bigotry, injustice, violence, and persecution, but honour to your blood, dear Maurice Carroll, five time honour to your children; their blood is genuine Catholic Irish blood; they remind me of the soldiers of St. Maurice, who resisted an Emperor."

When the matter was referred to him Dr. Ryerson stated that in seven years this was the first case of the sort he had heard of, and that such an attitude could not be "too strongly reprobated as tyrannical and unchristian, and at variance with the letter and spirit of the law".

"A CERTAIN INCONSISTENCY"

"ON January 9, 1851, in response to a request signed by ninety-five citizens, Mayor John G. Bowes called a public meeting in Toronto's St. Lawrence Hall to consider the question of Free Schools.

The main body of opinion opposed to Free Schools was that of men of property who objected to paying taxes to educate other people's children. Supporting them were doctrinaire liberals like the Rev. John Roaf, who objected to the introduction of "communism" and held up the French as "warnings of the abyss to which this plausible socialism is enticing us":

"Instead of the soft, familiar and refined circle in which wise parents like to place their children, it will drive gentle youths and sensitive girls into large herds of, perhaps, many hundreds of children, with all the regimental strictness, and coldness, and coarseness by which such bodies must be marked, and thus, while the child asks 'bread, you will give him a stone'."

But in the public meeting at St. Lawrence Hall such arguments failed

to convince. Dr. Workman, on behalf of the School Board, spoke of the impossibility of providing proper education in sanitary buildings for the children of the city unless the School Board were permitted to tax property. He noted a certain inconsistency in one of the leading requisitionists, who was opposing the use of public funds for common schools and yet had been educating his sons at the University at a cost to the public estimated at \$1,500 a year. The Rev. Dr. Burns and the Rev. John Jennings moved and seconded a resolution in support of universal elementary education. Dr. Egerton Ryerson attended the meeting as a citizen who was prepared to pay his share of the tax, and spoke at the request of the School Trustees. A few weeks since, he had visited the Free Schools of Boston in company with the mayor. In one of these the mayor had pointed out to him a seat in which sat two boys, one the son of the door-keeper of the City Hall, the other the son of the Minister to the Court of St. James. This as an answer to Roaf. The vote of the meeting gave a large majority for Free Schools."

HUMAN RIGHTS FILMS

JUDGING from correspondence reaching us from all parts of the province it is clear that films are playing an increasingly effective part in community efforts to combat prejudice and advance the cause of human rights. Those listed on this page are admirably suited for schools, churches and community organizations and are probably available at your local Film Library. Further information may be had by writing the Ontario Human Rights Commission.

★ ★ ★

WILLIE CATCHES ON (The National Film Board of Canada) 24 mins. Black and White. 1962.

Illustrates how youngsters from "nice" homes can grow up to have attitudes of prejudice even though there was no deliberate attempt on the part of parents and teachers to instill such attitudes. Willie has never heard the word "prejudice" but even before he is ten years old Willie sees that some people are treated differently than others. Without direct instruction he knows that there are people who "belong" and people who don't. Willie's parents are not unkind to the Chinese laundryman or the Negro porter or the Jewish children down the street, yet the impression becomes firmly fixed in Willie's mind that these people are "different". When Willie goes to high school and then college, the seeds of prejudice, not deliberately sown by any adult, begin to sprout, showing up in unmistakable though polite, acts of intolerance. During his summer job at a fashionable resort hotel he doesn't question the fact that he has privileges denied his Negro colleague. Willie has developed a sure sense of "discrimination" and is easily able to adjust to his "two-faced" world. Where does it all begin? How are the seeds of prejudice implanted?

★ ★ ★

BROTHERHOOD OF MAN (United Productions of America) 10 mins. Colour.

An animated colour cartoon presenting the scientific facts necessary to realize that differences between the human races are superficial, accidental and environmental. Points out that there are virtually no differences between races in blood, physical strength and brain size.



Scenes from "Willie Catches On"

PICTURE IN YOUR MIND (International Film Foundation) 16 mins. Colour.

Made at the request of the United Nations, this film, through the use of symbols, presents the earliest roots of prejudice, and the reason why any group, tribe or nation thinks its way of life is superior to the other man's mode of living. In the second half of the film, a forceful plea is made to every individual viewer to examine his own mind to see whether his mental picture of the other man is distorted.

★ ★ ★

STRANGERS FOR THE DAY (The National Film Board of Canada) 30 mins. Black and White. 1962.

Takes a perceptive look at fellow travelers in an immigrant train carrying them from Halifax to various parts of Canada—ever farther from their familiar soil of Italy, Syria, France, and Germany.

FACE TO FACE — 30 mins. Black and White.

Dr. Thomas Pettigrew of Harvard University explores the problems of bringing diverse groups together and the value of various kinds of contact in actually bettering intergroup relations.

★ ★ ★

ANTI-SEMITISM IN AMERICA — mins. Black and White.

Dr. Melvin Tumin, prof. of sociology and anthropology at Princeton University presents a study in depth of the attitudes and motivations behind anti-Semitism. Dr. Tumin places special emphasis on the "gentle people of prejudice."

★ ★ ★

AN AMERICAN GIRL — 29½ mins. Black and White.

This film, based on an actual event, tells the story of an American teen-ager who is mistakenly believed to be Jewish by her friends and neighbours. The particular incident revolves around anti-Semitism, but the story is basically concerned with irrational, unsocial prejudice.

★ ★ ★

TO FIND A HOME — 28 mins. Black and White.

Shows the experiences of a Negro family trying to rent an apartment in a middle-sized northern city. They are repeatedly refused. Another Negro family has a similar experience, but eventually find an apartment manager who has a policy of equal opportunity.

★ ★ ★

CONFORMITY AND THE CRUTCH — 30 mins. Black and White.

The psychology of bigotry and the differences between pathological bigotry and bigotry arising out of social conformity are discussed in the light of recent sociological research.

★ ★ ★

UNLEARNING PREJUDICE — 29½ mins. Black and White.

A kinescope from the NBC "Open Mind" series. Benjamin Epstein, ADL National Director, Elmo Roper, public opinion analyst; and Marie Jahoda, New York University professor of psychology, discuss various aspects of anti-social prejudice.

★ ★ ★

THE TOYMAKER — 20 mins. Colour.

The maker of puppets (using hands in the puppets) has the puppets play together happily until they discover differences in their appearances. These surface differences lead to conflict, until the two puppets realize what they have in common. The application of this simple principle to the problem of human relations is self-evident.

The Declaration of Human Rights

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society,



From original by Laura Van Vechten Davis
Portrait of Ojibway Mother and Child

keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any

other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

(Continued)

THE DECLARATION OF HUMAN RIGHTS

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.



(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond control.

(2) Motherhood and childhood are entitled to special care and assistance. Children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be made available at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the benefits and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

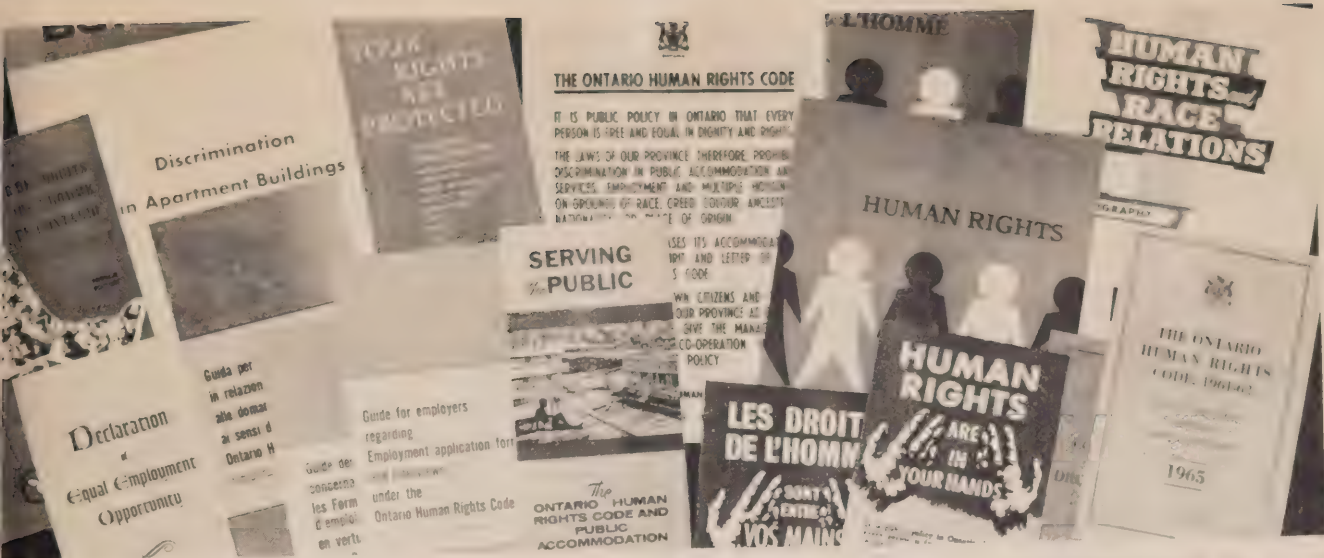
Article 28. Everyone is entitled to such social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of the rights and freedoms set forth here.



ONTARIO HUMAN RIGHTS CODE (as amended 1965)

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario. Available in English and French.

★ ★ ★

YOUR RIGHTS ARE PROTECTED

A brochure outlining in brief the program of the Commission and the role of the public in helping to promote human rights in Ontario. Useful for widespread distribution. In addition to the English edition, this is now available in ten other languages: Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese and Ukrainian.

★ ★ ★

HUMAN RIGHTS IN ONTARIO

A new pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

★ ★ ★

GUIDE FOR EMPLOYERS

A brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

★ ★ ★

SERVING THE PUBLIC

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices.

HUMAN RIGHTS AND RACE RELATIONS

A comprehensive bibliography dealing with prejudice and discrimination, race and ethnic relations.

The first section lists official publications of the Ontario Human Rights Commission, the Government of Canada, the United Nations, Unesco, and the Council of Europe.

The second section is entitled, "Selected Readings on Race and Ethnic Relations"—an annotated list compiled especially for the Commission by Dr. Jean Burnet of the Department of Sociology of the University of Toronto. It includes books and reports which are considered part of the outstanding literature in the field. A special section is devoted to Canadian works.

★ ★ ★

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres, etc. Available in English and French.

★ ★ ★

HOW TO FILE A COMPLAINT

A new brochure outlining the steps to be taken when an individual feels that he has encountered discrimination in violation of the Ontario Human Rights Code.

★ ★ ★

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

Address all requests to:
Ontario Human Rights Commission
74 Victoria Street, Toronto, Ontario

DISCRIMINATION IN APARTMENT BUILDINGS

Reprint of an article by Daniel G. Hill, Director of the Commission, which appeared in the publication, Building Management.

★ ★ ★

FRENCH TRANSLATIONS

On peut obtenir sans frais les publications énumérées ci-dessous, en s'adressant à la Commission ontarienne des droits de l'homme, 74 rue Victoria, Toronto, Ontario. Tel. 365-4218.

★ ★ ★

Le Code ontarien des droits de l'homme

Un brochure de 16 pages contenant le texte intégral du Code et une courte préface du premier ministre d'Ontario, l'honorable John P. Robarts.

★ ★ ★

Parchemin enjôlé reproduisant le Code ontarien des droits de l'homme

Le texte du Code est reproduit sur un parchemin enjôlé de deux couleurs, avec bordure dorée, prêt pour encadrement. Peut être affiché dans les immeubles publics, les églises, les écoles, les bureaux, les hôtels, etc.

★ ★ ★

Les droits de l'homme en Ontario

Une brochure donnant un aperçu général des dispositions du Code et renfermant des renseignements sur l'activité de la Commission et du rôle que le public peut jouer pour la sauvegarde des droits de l'homme en Ontario.

★ ★ ★

Guide des patrons

Cette brochure explique les dispositions du Code ontarien des droits de l'homme qui ont trait aux formules de demande d'emploi et aux entrevues préalables à l'embauchage et contient une liste des questions qu'un employeur doit éviter de poser à des postulants.

By DANIEL G. HILL

Commission Round-Up

MICHAEL J. MARENTETTE has been appointed as Human Rights Officer for the new Windsor-Chatham Regional Office of the Ontario Human Rights Commission—the first regional office to be opened in the province. Mr. Marentette graduated from the University of Windsor with a B.A. in sociology in 1963 and subsequently spent two years as a high school teacher in Nigeria. During his senior year at university he served as Assistant to the Advisor of Foreign Students.



Michael Marentette

The new office will be located in the Ontario Department of Labour quarters at 2149 University Avenue West, Windsor. It will serve Essex and Kent Counties as far east as Chatham. Mr. Marentette will work closely with existing human rights organizations in this area.

* * *

Human Rights Conference in 1967

THE annual Conference of Commissions for Human Rights will convene in Toronto in the late spring of 1967. The Conference is composed of thirty-two municipal, state and provincial human rights commissions on this continent, including Alaska, Oregon, California, Utah, Michigan, Pennsylvania, New York and many others. Ontario and the Federal Department of Labour were among the early members. Conference sessions are generally concerned with the administration of fair employment, housing and public accommodation statutes, and the sharing of problems and experiences among the member commissions.

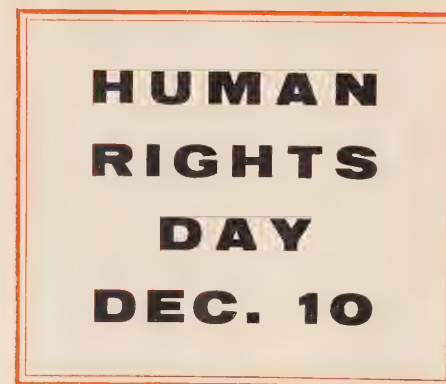
The invitation to meet in Canada during the centennial year was extended at this year's Conference, held in New York City from June 30th to July 2nd, and the recommendation enthusiastically endorsed by the delegates. It has been the custom of the Conference to gather in different locales throughout the United States and Canada. Next year's meetings will be held in Colorado.

Dr. Louis Fine, Chairman of the Ontario Human Rights Commission, will be the chairman of the Conference.

* * *

Citizens' Committee in Amherstburg

FOLLOWING the disclosure of problems of racial discrimination in Amherstburg, a citizens' committee was formed by Mayor H. M. Smith to consider problems of prejudice and discrimination against Negroes in the areas of employment, public accommodation and



housing. The Mayor's Committee consists of three representatives from the Town Council and three representatives from the South Essex Citizens Advancement Association, a local organization concerned about promoting better relationships between racial groups in that community. The members of the Mayor's Committee are: Mrs. Howard Harris, George McCurdy, Ralph McCurdy, James Cake, Dr. E. M. Warren, and H. M. Smith, Mayor of Amherstburg. The Director of the Commission, Daniel G. Hill, has agreed to act as temporary chairman.

* * *

Conciliation—Some Recent Cases

A MUNICIPAL hydro commission in northern Ontario revised its employment application form after the Commission received a complaint from a resident of the area that the application form of this commission contained questions regarding organizational membership, religious preference, and church attendance as well as a request for a photograph — all items disallowed by the Ontario Human Rights Code. Interview guides used by the firm in making inquiries of references and previous employers also contained disallowed questions. The case was settled upon the Commission's receipt of revised employ-

ment application forms in which the allowed and questionable sections deleted.

* * *

A FOOD products company with from the market the labels of unflavoured drink mixes because of complimentary caricatures of Indian Chinese used to advertise the product. The Indian-Eskimo Association of Canada brought the matter to the attention of the Commission, pointing out "This advertisement in our opinion derogatory to the image of our Indian citizens . . . Indian youth of this country should have an opportunity for pride and fulfillment equal to that afforded other citizens. The perpetuation of erroneous and derogatory stereotypes will be vigorously resisted." The firm, withdrawing the labels, informed the Commission, "We have reviewed the initial decisions and are now convinced that, however innocent our intention, we have risked giving offence to members of minority groups . . . labels have, therefore, been changed."

* * *

WORDS from the vernacular of racial slurs such as "nigger" and "squaw" will soon disappear from Canadian maps.

This was made known following a recent meeting of the Canadian permanent Committee of Geographical Names and came in response to a complaint by Dr. Louis Fine, Chairman of the Ontario Human Rights Commission.

The word "nigger" now appears ten times on Canadian maps, eight of which are in Ontario.

Dr. J. K. Fraser, executive secretary of the Committee said that instead of substituting the word negro, it recommended that alternative names should be sought from local residents in the affected areas.

HUMAN RELATIONS

Vol. 6 - December 1965 - No.

Published by

The Ontario Human Rights Commission
Department of Labour

8 York Street, Toronto

Hon. H. L. ROWNTREE, Q.C.
Minister of Labour.

LOUIS FINE, LL.D., Chairman

THOMAS M. EBERLEE, Secretary

DANIEL G. HILL, Director

Joyce Applebaum,

Gordon Greenaway,

J. F. Nutland, Members.

Address all correspondence to:
Ontario Human Rights Commission

74 Victoria St. Toronto



HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

Vol. 7

June, 1966

No. 13



CA20N
L72
H85

By Tom W. Williams

"STRANGER IN HIS OWN LAND" (see pages 5 and 6)

Apartment Developers Sign Agreement to Promote Ontario Human Rights Code

A declaration of fair accommodation practices was signed at Queen's Park on February 16, 1966 between the Ontario Human Rights Commission and the Apartment Developers Committee of the Urban Development Institute. In the agreement, the Committee pledged its co-operation to the advancement of full and equal accommodation opportunity for all irrespective of race, creed, colour, nationality, ancestry or place of origin. To implement this pledge, the Committee agrees to the following affirmative action:

- ✓ The promulgation of a clear policy of non-discrimination, disseminated to all personnel of the Committee's membership.
- ✓ The acceptance of applications without regard to race, creed, colour, nationality, ancestry or place of origin.
- ✓ The posting of the Ontario Human Rights Code in all apartment buildings and rental offices.
- ✓ A periodic review and evaluation of accommodation practices in collaboration with the Ontario Human Rights Commission.

The agreement was signed by H. L. Rowntree, Minister of Labour and Dr. Louis Fine, Chairman of the Ontario Human Rights Commission and by A. R. Grant, President, Urban Development Institute.

"This agreement" said Mr. Rowntree, "is more than just a statement of general principle and philosophy; it includes tangible evidence of good faith."

The Minister commended the Urban Development Institute and the Apartment Developers Committee for the moral leadership they have displayed in this field. "Their pledge" he said, "will serve to dispel any doubts or fears which individuals and organizations in this province may have had regarding their practices."

★ ★ ★

Dr. Louis Fine, speaking for the Ontario Human Rights Commission hailed the agreement as representing "an important first step which will set a positive example for apartment developers as well as building management firms, rental agents and landlords throughout Ontario."

He warmly commended the Institute for its initiative and offered the active assistance of the Commission's professional staff in implementing the agreement. "I can assure you" he said, "that, on the strength of this agreement, we will systematically approach people in

the apartment industry in all parts of the province and urge them to emulate your excellent example."

The agreement with the Institute follows the pattern of one signed last year by the Association of Placement Agencies and Consultants in which that body, among other things, undertook not to accept any employment orders based on race, creed or colour.

The Association pledged itself to support the principle of "Merit Employment" in Ontario.

Officer Appointed to Head Lakehead Regional Office

ROBERT W. MCPHEE has been appointed Human Rights Officer to open the new Regional Office of the Ontario Human Rights Commission at



Port Arthur. Mr. McPhee graduated from McMaster University with a B.A. in 1957. Following studies in religion and the social sciences at Colgate Rochester Divinity School

and Emmanuel College of the University of Toronto, from which he received a B.D. degree in 1964. He worked as a reporter for the Weston Times and Guide and for the Northern Daily News and taught history and English at Noranda High School for two years. He served as the minister of an inter-racial church in New York State and has been employed by the United Church of Canada since 1955. Until recently he was located at Larder Lake in northern Ontario.



Signing the agreement to provide fair accommodation practices. Seated left to right: Dr. Louis Fine, Chairman Ontario Human Rights Commission; Hon. H. L. Rowntree, Minister of Labour; A. R. Grant, President Urban Development Institute; and Dr. Daniel G. Hill, Director Ontario Human Rights Commission.

Ontario Adopts Age Discrimination Act to protect employment of older workers

ONTARIO took another highly important new step in the field of human rights when the current session of the 27th Legislature gave approval to the Age Discrimination Act.

Under its provisions it becomes an offence, ultimately punishable in the courts, for an employer to fire or refuse to hire or promote anyone strictly on grounds of age. It will also forbid trade unions to use age as a reason for barring or expelling anyone from membership.



H. L. Rowntree

The legislation will be administered by the Ontario Human Rights Commission. Introducing the measure, Labour Minister Rowntree said it was designed to discourage unfounded assumptions as to job abilities based solely on chronological age and will encourage, to the greatest extent possible, the practice of judging each individual applicant on his individual merits.

"Recent studies have shown" he said, "that many of the myths and stereotypes held about the capabilities of older workers are not only untrue, but have a deleterious effect upon our developing and productive economy."

Mr. Rowntree went on to say that the province simply cannot afford to lose the capabilities and rich experience of its older workers.

"In terms of dollars and cents alone and considering the valuable contribution that older employees can make, it is wise to protect the employment opportunities of those who are capable and efficient workers."

★ ★ ★

THE new legislation covers only those between 40 and 65 and provides that:

- "No employer or person acting for an employer shall refuse to employ or to continue to employ any person or discriminate against any person with regard to employment or refuse employment to an employed person because of his age."
- "No trade union shall exclude from membership or expel or suspend any

person or member or discriminate against any person because of his age."

- The Ontario Human Rights Commission — subject to cabinet approval — may allow exemptions from the law where the nature of a job demands age specifications or limitations. Nor would anything in the age discrimination act affect the operation of bona fide employee pension or insurance plans.

- Any Ontario citizen who feels he or she suffered job discrimination solely on grounds of age may complain in writing to the commission. If the commission fails to settle the matter, the labor minister will appoint a Board of Inquiry to investigate the case.

- It will also be the minister's responsibility to decide if charges should be laid. Maximum penalties for convictions will be \$100 for individuals and \$500 for companies, or unions.

The new legislation is scheduled to come into effect on July 1st and makes Ontario the second province to legislate against job discrimination because of age.

The procedures now in effect under the Human Rights Code will be used to enforce the new law.

ENFORCEMENT BY PERSUASION

THE policy of the Human Rights Commission in Ontario, obviously, is to stay out of court. Its activities get in the news occasionally, as for example when it was announced that a landlord in Oshawa had agreed to apologize to a woman who had been refused housing because of her color. The officers of the Ontario Human Rights Commission had reasoned with him, and persuaded him to admit the error of his ways. This case was typical of a number that have been reported. The Human Rights Code is a code of law in Ontario, but it never seems to get enforced to the extent of prosecution in the courts.

One by-product of this style of law enforcement by back-stage arm-twisting, is that most people are only dimly aware that there is such a thing as a Human Rights Code. It is a code with some quirks worth knowing about, too. It is an offence against Ontario law, for example, to ask an applicant for a job to furnish a photograph of himself. It is an offence for an employer to ask a job applicant what church he goes to, or if he goes to church. These facets of the law do not get tested in court, because cases are not brought to court. The Human Rights officers are reliving on the pressure of publicity, or the threat of publicity, to enforce their Code. In effect, they seem to be asking the newspapers to do the job the courts should be doing.

Seven provinces in Canada have legislation of this kind now.

A recent case in Montreal is the first, of which we have knowledge, in any of the seven provinces, in which a charge under human rights legislation has actually been prosecuted in the courts. Judgment was given against the Queen Elizabeth Hotel, on a charge that a Negro nurse was refused a job because of her race. As of last week, lawyers for the hotel had not decided whether to appeal.

★ ★ ★

THE question now arising, is whether this case may be a precedent for similar prosecutions in provinces other than Quebec. The question may be of interest to many employers, because in Montreal the judge found that the hotel proprietor, Hilton of Canada Ltd., was NOT discriminatory in its hiring practices, but that it was responsible for the actions of one of its employees who dealt with the job applicant.

If that's the law, it makes law-breakers of a lot of well-meaning people.

A few such prosecutions in Ontario might help clear the air. We have our doubts about the possibility of combatting prejudice by legislation, but if the Ontario Human Rights Code is good law, it should be enforced like any other law, by bringing charges before the courts. If it is bad law, there is all the more reason to have it tested in the courts, like any other law.

—Stratford Beacon-Herald

Magna Carta Day

by THOMAS M. EBERLEE

THE Charter of Liberties to which King John affixed his Great Seal in the Green Meadows at Runnymede on June 15, 1215, was not, as many have believed, the occasion for a great outpouring of public rejoicing. Nor was it regarded, at the time, as a momentous event in the turbulent political and social upheavals which marked the beginnings of the thirteenth century.

The Magna Carta, as we now know, was not even primarily concerned with the common people of that day, but rather with the limitation of the royal power and the privileges of the nobles. Even the term "freeman" applied to only a handful of Eng-



Thomas Eberlee

land's 3,000,000 souls. Many of the liberties specified in the Charter sound strange to the modern reader and have little meaning in our own day. Indeed the attention it received in succeeding generations and the great importance given to last year's 750th anniversary, would have caused profound mystification among its feudal authors. Nevertheless, as Sir Winston Churchill has written, "its provisions became the foundation of principles and systems of government of which neither the King nor the nobles ever dreamed. . . . Throughout the document it is implied that there is a law which even a King may not break. . . . This re-affirmation of a supreme law and its expression in a general Charter is the great work of Magna Carta; and this alone justifies the respect in which men have held it."

★ ★ ★

DOWN through the centuries the Charter has become by far the most important single document in the development of personal liberty, not only in the land of its origin, but in our own country, in the United States of America and throughout the far flung British Commonwealth. In short, the Charter established, and continues to remind us, of the principle that in a free society "Men are ruled by law and not by other men."

Magna Carta, the Bill of Rights, Habeas Corpus and the other prerogative writs, are not privileges granted by an indulgent government, to be withdrawn at will. They are inalienable rights, won

through centuries of struggle and at great cost. They stand as a protective shield for the citizen against the exercise of arbitrary power and set limits on what governments may do to men.

This is not to confuse liberty with licence, for there is always the duty that accompanies every right. "Liberty, as someone has said is a "feeling of looseness in the harness."

The best-known clauses of Magna Carta, as translated from the original Latin read:

- No freeman shall be taken, imprisoned, outlawed, banished or in any other way destroyed, nor will we proceed against or prosecute him except by lawful judgment of his peers or (and) the law of the land.
- No bailiff shall put any man to trial upon his simple accusation without production of credible witnesses to the truth thereof.
- To no one will we sell, to none will we deny or defer right or justice.
- If anyone shall have been . . . deprived by us, without legal judgment of his peers, of lands . . . liberties or rights, we will instantly restore the same. . . .

★ ★ ★

SOME years ago these "sacred rights" were spelled out by the Canadian Bar Association in more modern terms:

1. "The right not to be detained at the mere arbitrary will of the crown, or any government, or administrative authority;
2. The right not to be arrested, unless under the authority of a magistrate's warrant, issued on a complaint duly executed, and based on ordinary law;
3. The right, when under suspicion, or arrest, or sentence, not to be coerced to give any information or evidence against oneself or to testify in one's own case;
4. The right to have an open trial before the courts of law;
5. The right to a full defence, with the assistance of counsel."

ALL too often there has been a tendency to underestimate the value of liberty, to forget the long hard struggle in which it was won and the price paid. We have been inclined to simply take it for granted.

The 751st anniversary of the Magna Carta occurs at a time when Canadians are giving serious thought to the state of civil liberties in our own country and are showing an ever growing concern over the power of encroachment in certain types of legislation, which if unchecked, may impose severe limitations on the freedom of the individual.

Magna Carta Day is an appropriate occasion to heed, and take very much to heart, the following eloquent words of Sir Wilfrid Laurier spoken in 1877:

"Eternal vigilance is the price of liberty. If a people want to remain free, they must, like Argus, have a hundred eyes and be always on the alert. If they slumber, or relax, each moment of indolence loses them a particle of their rights. Eternal vigilance is the price they have to pay for the priceless boon of liberty. . . ."

IT HAPPENS HERE

THE WINDSOR and Hamilton surveys into discrimination against racial minorities are of some interest in view of the scarcity of factual information on matters of civil rights in Canada. They indicate either that there is discrimination in these communities (and no doubt in others too) or at least that there is felt to be discrimination, which for practical purposes amounts to the same thing.

The Negro communities, in both cases long established, felt that they had received unfair treatment in matters of housing, job opportunities and from police, the judiciary, civil servants and even from teachers. This last is particularly dangerous since, as the survey points out, education represents their principal opportunity to increase their social and economic status.

These surveys, therefore, confirm the belief often expressed that discrimination can indeed happen here and that its gravity is only limited by the small numbers represented. The implications are that Canadians cannot afford to be complacent or superior about matters of racial discrimination. The work of the Ontario Human Rights Commission thus takes on a greater importance and the Code that it helps to administer must be broadened accordingly.

—Peterboro Examiner

This Land Was Our Land

by GERTRUDE BLACKNED-WATT*

*"They but forgot we Indians owned the land
From ocean unto ocean; that they stand
Upon the soil that centuries ago
Was our sole kingdom and our right alone."*

THESE words of Pauline Johnson tell a very old story. Before the Europeans came, our young country was inhabited by Indians of different tribes — Iroquois, Huron, and Algonquins. This great land was their land, to hunt in, to trap in, and to enjoy.

As the European society grew in wealth in population, the Indians were stripped of the better fertile land, lost their title to it and were pushed northward and westward to labour in finding a new and barren life. This old tale can be read in various encyclopedias and countless history books. It was not until 1959-1961 that the Indian question was thought important enough to be considered by the second Joint Committee of the Senate and the House for Indian Affairs. At this conference 49 recommendations were presented to the government. Of course, not all have been implemented. Some are still in the experimental stage.

Gertrude Watt

A FRIEND of mine, a white woman, once remarked to me, "We whites have nothing to be proud of in our treatment of our Indians of Northern Ontario and Quebec."

Perhaps this is true, but the government has recognized its mistake and has made efforts to help the Indian. However, the government acts in a very contradictory manner. For example, I know a child who is being educated by the Department of Indian Affairs, but on the other hand, the department of National Health, which is responsible for Indians, refuses hospital and medical services to this child.

*Gertrude Blackned-Watt is a Grade 12 student at St. Mary's Convent, Combermere, Ont. This is the text of a speech delivered by her during a recent school contest.

Could the government officials in Ottawa possibly know what is taking place in Northern Ontario? Do Indians receive fair treatment before the law, for instance, parole? Does the law even bring security to their communities or can a murder be committed and no action taken? For example, three boys from Moosonee and Moose Factory for an unknown reason stripped a boy of his clothes, put old rags on him. After doing this they hanged him and ran off. The detectives were apparently content with the verdict — suicide and did nothing else about it.

WOULD it not be better if Indians who have lived in the North and know the situation were in the government? Yes. We need Indians within the government departments to deal with their own affairs.

It is at this point that people ask the question; "Why do Indians of various places progress differently? They progress differently because of their geographical background, access to educational facilities and the availability of employment. A good example of a progressive reserve is Brantford. Another question is: "With all the government help in the form of social assistance why do Indians relapse into their lax lives of drunkenness and poverty?" In reply to this a great and noted medical missionary, Sir Wilfred Grenfell, who worked among the natives of Northern Newfoundland and Labrador once remarked: "When you give a man something for nothing you completely rob him of his dignity." This is what has happened to the Indian, therefore social assistance alone is not the answer. By itself it merely makes him more dependent and

leaves him completely without initiative. The answer to the problems which arise from the preceding questions in my opinion lies in educating the Indians. Here I want to make clear that I am speaking of educating the present generation not their parents.

FOR a long time segregation of the Indians was considered the answer to economic and social as well as educational problems. We now know that this has proved unjust and inadequate. It is only up to 10 or 12 years ago that children in Northern Ontario have been sent to schools in the south, and even then only a small number were sent. Before this the Indian children were put in an all-Indian school where not one child had the ambition to complete his education. To what could the Indian children turn after school when there was no employment? Due to this attitude and supported by the parents' resentment toward school, the educational standard on reserves was very low.

The Indian residential school has been a mixed blessing. It leaves a child completely without a trade of any description and quite unfit to compete in the white man's world. On the other hand after spending eight or nine years in residential school, completely separated from the Indian way of life, he is not fit to return to the trap line, since it is doubtful he can skin a weasel properly. He can make a living neither in the white man's world nor the Indian's. He is a first class candidate for the old government standby, a handout, and loss of respect and dignity.

THE solving of this educational problem started 10 years ago, when the Department of Indian Affairs offered education to everyone according to his particular interests. Even those who had dropped out were welcomed to special trade schools. So far only two girls in Rupert House, Gertie Diamon and myself have reached Grade XII and from the whole James Bay about 12 or 15 have got this far.

There are great hopes that each year the number of successful students will increase — that these young Canadians will provide the nucleus from which the Indian race will spring forth with its hidden qualities lost in the past centuries of history.

When the time is ripe these real Canadian citizens, the Indians, will take their rightful place, helping to develop and even to govern their homeland—Canada.

SEPARATISM AND THE INDIANS*

by WALTER DONOVAN

FORCES of separatism are at work throughout *all* of Canada, not only in Quebec. The cords of unity are strained in many parts of our nation, especially where one segment of the population is not in communication with other groups. For the one great cause of separatism is mutual misunderstanding.

Mutual misunderstanding leads to mutual distrust. And mutual fear and hatred quickly follows. The final stage, perhaps the inevitable result, will be declarations of hostility and acts of violence.

If Canada is to survive as a nation, the darkness of mutual ignorance must be destroyed by Canadians themselves. A case in point is the relationship between Indian Canadians and their neighbours. Although desegregation has taken place in many school classrooms, there are still barriers between native and immigrant which can't be broken except through mutual understanding and respect

★ ★ ★

HERE are five points which help create mutual misunderstanding:

1. History has been slanted against the Indian, both in school textbooks and contemporary motion pictures.
2. A very small minority in Indian society have lost their self-respect, and these are giving a false picture of all Indians to the non-Indian part of Canada.
3. The custom of sharing, invaluable in earlier days, is sometimes providing an impossible burden for today's young, ambitious Indian.
4. Because of our differing attitudes toward work, the Indian is regarded as lazy, while he considers the non-Indian as a slave-driver or a fool.
5. The disappearance of discipline in both societies makes it hard for young people to know what is expected of them.

During the early days of European settlement of Canada, the Indian's



An Indian mother marches in Kenora for "dignity, equality and justice".

knowledge helped immigrants to survive. A classic example is the medicine that saved Cartier's band from total extinction during their first winter at Stadacona. Names like Champlain, La Verendrye, Mackenzie, Thompson and others would mean nothing to the average Canadian schoolboy had it not been for their Indian guides. Joseph Brant and Tecumseh are the only names to which we all point with pride, but no doubt there were countless hundreds of others.

We have failed to credit the Indians with many important contributions to Canada's history, humanitarian as well as technical. The improper and incomplete historical account, the slanted view of most historians and the pseudo-history

offered by Hollywood has created a false picture of the invaders' westward expansion.

★ ★ ★

CONSIDER the case of an incident frequently used to illustrate the bravery and effectiveness of the North West Mounted Police. A lone officer escorted 200-odd Indians as prisoners on a long trek across the prairies. I have never read that the corollary to the policeman's courage was the Indians' co-operation. Here we have an expression of respect for law and order on the part of a loyal band of subjects toward their "Great White Mother", Queen Victoria, whose officer they trusted. And a re-examination of events leading to the Northwest rebellions would show that Louis Riel was less of a villain and more of a hero than most textbooks in English would have us believe.

So much of what has been written makes the Indian appear as a laughing-stock or potential enemy to other Canadians. And much of what was not written might have enabled him to grow up and into the Canadian way of life with a sense of pride in his ancestors' achievements. He would be like the New Zealand Maori, who maintains his pride of race as he reads a less-corrupted account of his people's heroic exploits.

Because of the historian's sin of commission as well as omission, the Indian is regarded as a stranger in his own land. This makes many Indians especially sensitive in personal relationships with the paleface. They have been made to feel almost that the war is still being fought, and they are doomed always to be on the losing side.

★ ★ ★

THIS brings us to the second cause of misunderstanding: judging all Indians by their poorest ambassadors. Some of the most unfortunate examples have lost nearly all their self-respect, and exist on Skid Row. Along with non-Indians in a similarly miserable state, they have given up. Expecting nothing from themselves, they hold out their hands and tell hard-luck stories about social injustice, loss of money, the need to visit a sick friend, the inability to find work or do work, and so on. In most communities such persons

*This article first appeared in the March issue of the Presbyterian Record and is reproduced in part by kind permission of the Editor. The author, who is now in New Zealand, worked in Saskatchewan and Ontario with Indian Canadians as a missionary teacher for several years.

ay be counted on the fingers of one and. But the very few present a stereotyped picture of the Indian to many Canadians who do not know, or know about, the large majority of steady, industrious Indian citizens who go about their business so quietly that nobody notices them. The freeloader who spends most of his time in non-Indian society is judged as typical of all Indians.

Another difficulty the Indian faces is the change from a co-operative society to a competitive one. That which was a good practice in the old days has become detrimental to "success" as we define it today. The custom of sharing was necessary for survival in much of Canada a century ago. When a brave killed a deer or buffalo, he shared the meat with all members of the community. This was the only logical way to avoid waste in a society that was aware of the need to conserve resources. But in this new day the person leaving a reserve is searching for money, not as perishable a commodity as an animal's dead carcass.

★ ★ ★

SUPPOSE that an Indian is employed at a job paying \$75 a week. When he returns to the reserve he may find a houseful of his own or his wife's relatives. They may stay as long as the food supply lasts, and it would be highly improper of him even to hint that they are outstaying their welcome. Because he doesn't lose face in his home community, his only escape is to quit his job. Or perhaps he is single, but when his relatives ask for money he cannot refuse. He may think about his situation in this way:

"For working two weeks all I have for myself is what I earn in a day and a half. I'll go back to my job, but I'll work for only a day or two and ask for my pay. Then I'll spend ten days at home with my family and friends before returning to work."

To me this seems a sensible plan of action. But how does the employer react? The boss thought he had a permanent employee. Now he feels that he has been let down, and he soon tells his friends and neighbours that all Indians are unreliable. Mutual misunderstanding has again led to general distrust.

Another difficulty in the meeting of these two cultures arises from differing concepts of time and work. At an early age a Euro-Canadian is told that he should never put off until the morrow

what he can do today. But the young Indian-Canadian learned to enjoy each day as it came, for the future was so uncertain that he had to make the most of the present moment. Obviously, the attitude towards property in the Indian culture didn't encourage people to accumulate a fortune to enjoy in old age. There must be considerable wisdom in the native's philosophy of time, work and property. Otherwise why do we have the Euro-Canadian working like a slave for 50 weeks of the year in order to spend a fortnight living as some Indians do the year round?

★ ★ ★

FINALLY, let's look at a custom which disappeared because of a change in the structure of the family unit. Among some Algonkian tribes the grandfather and grandmother, uncles and aunts, along with the cousins lived together in a community that was close-knit enough for the child to call his aunt "mother." Cousins were considered as brothers if the fathers were brothers.

Now in this enlarged family unit the disciplining of sons in the family wasn't the task of the father, but the mother's brother. Perhaps the system developed to prevent tension or hostility between father and son. But today, grandparents are usually in their own home. The household seldom includes the boy's uncles. Then who administers his discipline? In many instances, nobody. Several times the father has failed to step in and fill the need for correcting the child. The result is an uninhibited environment in many Indian homes as compared with most non-Indian households. Although even in the latter, there is growing confusion about civic freedom and responsibility.

The child who is indulged from an early age often cannot see genuine love in acts of parental discipline. As an example, think of what may happen to an Indian child when he has to leave home to attend a residential school. The experience may be just too much for the child to accept. Already he's been given a picture of "white man boss", for the agent has told his parents they must send him away. Once at the school he

is a captive, and like any captive, sees escape as his only salvation. He can't see any love in the paleface who wants everybody to go to bed and get up at fixed hours each day.

Of course, in any institutional life there must be discipline. But to the child who grew up in a setting of almost total permissiveness the principal, the teacher, the supervisor becomes an oppressor, a jailer, an ogre, the custodian of an enemy camp. The child runs away to the security, freedom, love of the reserve. And the parents haven't the heart, nor sometimes even the authority, to make him return to school. With this experience it is difficult for such a child to meet a non-Indian in a healthy social relationship during his later life. In the meantime, the school principal considers the child a youthful outlaw whose parents are more guilty than their son, because they have encouraged him to disregard the laws of the land.

★ ★ ★

WHAT are the solutions? How can we reverse the trend toward separatism between Indian and non-Indian Canadians? Here are some suggestions for both groups:

1. Our educational authorities should revise textbooks so that all Canadians can take pride in their cultural and national heritage. This step is long overdue.

2. It's a tremendous task to give a man back his self-respect. But the best beginning is to give him work to do. Stop the handouts, ask *him* to make a contribution.

3. The non-Indian isn't in a position to offer advice on how to re-organize life on the reserve. But if an Indian must leave the reserve to earn a regular income, the paleface must make him welcome.

4. Our differing attitudes toward work should help us to teach one another. Owning property isn't itself evil, but surely it cannot be the yardstick by which we measure a man's worth. Maybe we can learn more from the Indians than we can teach them.

5. The whole Canadian society must be educated in the need for control, particularly self-control, if our civilization is to survive and Canada continue as a democratic state. No form of government asks so much from the average citizen as does democracy. Let us take warning from nations that are now dust and ashes, for they fell not because of external pressure. They simply collapsed from within. Separatism, like a weed, grows without cultivation.

LETTERS and COMMENT

Clergyman Critical of Racial Superiority

IT is most encouraging to know that Ontario's School text books will soon be cleansed of all materials that promote an assumption of racial, ethnic or religious superiority. I would add my congratulations to those expressed in your December Issue by a former Ontario school teacher. Your Commission and the Editors of Human Relations are to be commended for the excellent work being carried on in defence of human rights and human dignity.

We have progressed from the days, not so long ago, when dignity and opportunity depended on being "White, Anglo-Saxon, and Protestant". Our practice has almost caught up with our preaching — almost, but not quite!



Rev. J. F. Wagland There still remain some dark and dismal spots, if not within our halls of learning themselves, certainly at the entrance of these very halls, in the form of restrictive academic awards and bursaries. Some specify a sex qualification—women only, or men only—for a bursary or scholarship. Some, however, are more restrictive.

★ ★ ★

THE Leonard Foundation is an outstanding example of a well-intentioned but offending benefaction. Its awards are restricted to students who are White, Anglo-Saxon and Protestant. The application form states explicitly that the Foundation affirms the supremacy of the Anglo-Saxon Race!

Some time ago I was faced with a tricky moral question when I was called upon, as a parent, to sign my son's application for this bursary. I hesitatingly applied a large dose of casuistry and signed, on the basis that I wasn't specifically asked to subscribe to the offensive principles for which the Foundation stood. I also argued, "Use their money and work to change the terms of the bursary". Can you tell me how this can be done?

Some of my parishioners at Trinity Church have been studying an Anglican publication entitled "The Restless Church"—a follow-up to Berton's "Comfortable Pew". The Leonard Foundation came in for some comment in connection

LIGHT IN DARK STREETS

"THE hero is one who kindles a great light in the world, who sets up blazing torches in the dark streets of life for men to see by."

—Felix Adler

with the subject of race prejudice. Some groups thought that it was morally wrong to accept money from this Foundation; others pointed out, in all charity, that Colonel Leonard lived in an era when W.A.S.P. standards were not only accepted but encouraged. They felt that, if this great humanitarian were living today, he would certainly wish to promote a somewhat different set of standards and would re-write the provisions of the Leonard Foundation accordingly. Unfortunately, he lived and died in another era.

★ ★ ★

NOW, why can't our legislators do for Colonel Leonard what he is now unable to do for himself? Can they not remove, by legislation, the offensive standards of the Foundation that contradict the Canadian Bill of Rights and the Ontario Human Rights Code? Surely no-one would argue that "a man's last Will and Testament is so sacrosanct that it cannot be changed". Legislators have already altered provisions of wills to conform to the public interest. Must the dead hand of a past that encouraged white racial superiority be permitted to extend its long arm into the present day that has progressed to the point of a Canadian Bill of Rights and an Ontario Human Rights Code? I say, No! Our people at Trinity Church say, No! What do you say?

(Rev.) John F. Wagland, B.A., B.D.

Rector

Trinity (Anglican) Church
St. Thomas, Ont.

"EXPENSIVE STUPIDITIES"

IT seems to me that you people whom we support by our hard earned tax payments have gone insane in your efforts to "further human rights". You seem to have lost track of reality and any appreciation for history and literature. It is going to be impossible to expurgate permanently, or even temporarily, every book or map of words which will not give affront to somebody if he is sufficiently sensitive. Further, this will always be a changing scene; what is respectable and generally unobjectionable today will no doubt be offensive to somebody tomorrow. It is unlikely that anyone who named geographical features did so to be offensive. I think you should give the people who are apparently your greatest concern credit for being, in most cases, big enough to survive the shock of reading on a map that a certain lake bears the name "Squaw Lake" which perhaps it has done for 150 years. You are not going to find a geographical place being named "Nigger" in these days but the word when given as a name was in general usage and was given presumably for a reason and is historically a fact.

★ ★ ★

HAVE you decided what to call Great Slave Lake? Are you going to rename all the White Lakes? I think of Black Creek! What about Artillery Lake and Soldier River and other such war mongering names? Fashions change but let us avoid the unnecessary and ineffectual confusion and expense which results from tampering with long-established place names. The idiocy of renaming e.g. Berlin "Kitchener" because we were at war with Germany became apparent long ago to thinking people, but sport teams are still referred to as "Dutchies" rather than "Deutchies". What if Holland were on the other side in the next war? Or suppose France is on the other side, what do we do with French names? You may then solve our bicultural problem.

If you stand back and take a long objective look at the plans you have already announced in this direction I am sure you will have to admit that they are expensive stupidities which will not really be appreciated by those whom you seek even now to please.

T. F. C. Cole

Toronto, Ont.

ONTARIO INDUSTRIALIST PROPOSES A CURE FOR "GREAT ANXIETIES"

MR. W. G. SHAMBROOK'S guess (Dec. 1965 issue, p. 7) as to the fate of your publication was, in one case at least, not entirely correct. On its way into my wastepaper basket, it happened to fly open at the very edge of his letter, and for some contrite reason, I found myself leaning over the basket reading it.

It is strange how men of Mr. Shambrook's position, whom one would imagine to hold great responsibility in keeping this complex society of our running smoothly, seem to come so often to express such churlish views about social measures. It comes the more amiss when a cause as worthy as human rights is under discussion.

Perhaps this stems from the kind of life these men lead. Whereas sensible people leave their work after forty hours of hard work, content with their pay cheques and a few sundry benefits, these men must needs work far into the night, finally emerging, drawn and haggard, bearing brief cases full of papers for digestion with their breakfast (supper-time has long since past). They ponder how to raise the cash to meet Friday's payroll, because that cheque from a big account has not been honored (in fact it looks Atlantic-shaky) and the bank's been stretched to the limit by last week's drawings. They wonder how or when they'll be able to replace the girl who used to do the invoicing (not that she was any great loss anyway, because she never could figure out where the decimal was on that new machine).

★ ★ ★

THERE'S the trouble in Plant No. 2, where the superintendent is having a feud with the shop foreman, and it looks as if one or both will soon be leaving (Heaven knows how either can be replaced — they've years of experience behind them). A few hours sleep, and then off to catch the plane to Chicago at 6 a.m. Must close that deal, or half next year's sales are down the drain, need it to meet the debenture on the new plant. Back to the office, sort out rearrangement of office personnel to meet increased payrolling requirement. New systems in shipping just aren't working

out. Costs up. Looks like the Union will be after a bigger package than ever this year, only three weeks away. Taxes going up. Pension's going to add 2% to the labor cost. When, for Heaven's sake, will it stop?

He looks with a jaundiced eye at Articles 23, 24, and 25 of the Declaration of Human Rights, wondering if they are meant to apply to him. Of course, since he is the boss, he may reasonably be considered as inhuman, so perhaps they don't.

★ ★ ★

THE trouble is that these men do not know how to relax. They are troubled with great anxieties and insecurities which most of us have learned to forget in these enlightened times. I'd suggest that two measures are necessary to extend the code of human rights to include these few individuals into the Great Society we are in the process of building:

1. A Minimum Work Act, which would be simply an extension of the Minimum Wage Act, requiring all persons to deliver a certain minimum amount of work and competence in return for a minimum payment of wages.

2. A Business Indemnity Act, which would guarantee a fixed return to businesses having invested a certain capital, when certain circumstances change beyond their control, such as increased taxation, labor costs, tariff rulings and so on, make it impossible to continue. A sort of Unemployment Insurance benefit.

Such legislation would immediately relieve these men of an enormous burden, and they would, I am sure, stand wholeheartedly behind any human rights movement. Indeed, I would guarantee that even Mr. Shambrook would be able to find time to read through "Human Relations" twice before he throws it out.

M. J. Easton, President
Daron Industries Limited
Kingston, Ont.

"Préférable en Française"

"HUMAN Relations" est une très bonne publication, mais en ce qui concerne les Ecoles Séparées où le français est la Langue maternelle, il serait préférable de l'avoir en français.

Nous enseignons notre histoire en français, et il nous semble que ces publications nous seraient très utiles en français. Tous les Professeurs des Ecoles Assomption et St-Joseph sont de cet avis.

D'ailleurs, nous, les Canadiens-français nous contribuons, par nos taxes au bien des citoyens en général. Ne serait-il pas juste que nous recevions la Littérature quiconcerne notre enseignement dans la Langue maternelle des enfants que nous instruisons?

Il nous semble que nous sommes assez nombreux pour que le Ministère paie un bon traducteur.

Avec l'espoir que vous prendrez cette réclamation en considération,
Soeur Joseph-de-la-Paix, A.S.V., B.Sc.Ed.

Principale Ecole St. Joseph
Kirkland Lake, Ont.

TRILOGY

by ROBYN REID*

NORTHERN MANSION

MY parents built a house for me
To put my soul inside,
But it is floored with prejudice,
And it is roofed with pride

And in the old foundations
The wood is rotting fast
The stagnant shell will soon collapse
And have me free at last.

CYCLE

WE
are the
new young people,
restless
to analyze
and alter
the old world
made by
the old people,
who
once were
the new young people.

UNDEFINED

I looked up love
in the dictionary
once,
but
I guess I'll have to
look it up somewhere else.

*Robyn Reid is a Grade 10 student at Bradford District High School.

HUMAN RIGHTS FILMS

EVERYBODY'S PREJUDICED

(National Film Board) 16 mm Black and White. Running time: 22 mins.

THERE is prejudice AND prejudice — which YOU have depends on your respect for FACT. This film was designed for discussion, to present on the screen a comparison between the kind of prejudices we all employ and the unreasoning prejudices of the bigot.

The question of the differing kinds of prejudice is raised first in a conversation between two men sharing a park bench. One claims that without making prejudgments—deciding *without* knowing all the facts—life would come to a standstill. The other agrees but suggests that there is a point at which prejudgment has to stop. To show what he means he invites his friend to look in on the conversation and activities in five apartments.

★ ★ ★

IN the first a husband prejudices an egg his wife proffers for his breakfast. "I won't eat it," he says, "because the last time I ate eggs they made me sick. All eggs being alike, this one will do the same." In this instance the more contentious of the two park-benchers admits the prejudgment has some basis in fact.

We then see a prejudice based on second-hand experience, but nonetheless worth respecting. (A wine drinker accepts his butler's preference for a wine, foregoing his own choice.)

In succeeding examples the amount of rational judgment lessens, until in the final example we discern the characteristics of the bigot — the man whose prejudice is divorced from reason, rising completely from emotional causes. His prejudice is against people who are new to him, people he rejects simply because they are different in superficial ways, like dress and accent, from people of his own group.

From the man who rejects eggs with some reason, to the man who hates new neighbors for no reason at all, this film offers you examples that everyone will recognize and wish to discuss.

★ ★ ★

CROSSROADS (The National Film Board of Canada) 30 mins. Black and White. 1957.

The story of Tom and Judy and the reactions they encounter when they announce their intention to marry — reactions complicated by the fact that Tom is coloured and Judy is white.



N.F.B.

From "Everybody's Prejudiced"

NATIONAL FILM BOARD REGIONAL OFFICES

FORT WILLIAM — c/o Fort William Public Library
HAMILTON — Room 551, National Revenue Building, 150 Main Street
HANOVER — Durham Road
KINGSTON — Room 275, New Federal Building, Clarence Street
LONDON — Income Tax Building, 388 Dundas Street
NORTH BAY — Room 205, 101 Worthington Avenue East
ORILLIA — Room 210, Federal Building, 17-25 Peter Street West
OTTAWA — Excelsior Life Building, 270 Laurier Avenue West
TORONTO — Mackenzie Building, 1 Lombard Street

CANADIAN FILM INSTITUTE
 1762 Carling Avenue, Ottawa, Ontario

FAMILY TREE (The National Film Board of Canada) 15 mins. Colour. 1949.

An animated cartoon depicting the settlement of Canada, and the contributions made by the members of the many nationalities who settled in the country. The arrival of Jacques Cartier, the fishing and fur trades, the battle of the Plains of Abraham, the arrival of the United Empire Loyalists, the west coast gold rush, the arrival of many European settlers to fill the great spaces of the prairies, all are shown in the film.

★ ★ ★

FIRES OF ENVY (The National Film Board of Canada) 30 mins. Black and White. 1957.

A dramatization of Canadian author W. O. Mitchell's penetrating story about the racial prejudice encountered by a Polish immigrant farmer in a rural community. The film employs the events of a farming community to lay bare some universal truths about the unthinking discrimination practised against a man who is different from his English-speaking fellow-farmers.

★ ★ ★

CHUCK HANSEN — ONE GUY (The National Conference of Christians and Jews) 33 mins. Colour.

The story of discrimination among employees in a large industrial plant and the methods used to get at the "roots" of prejudice and eliminate the discrimination.

★ ★ ★

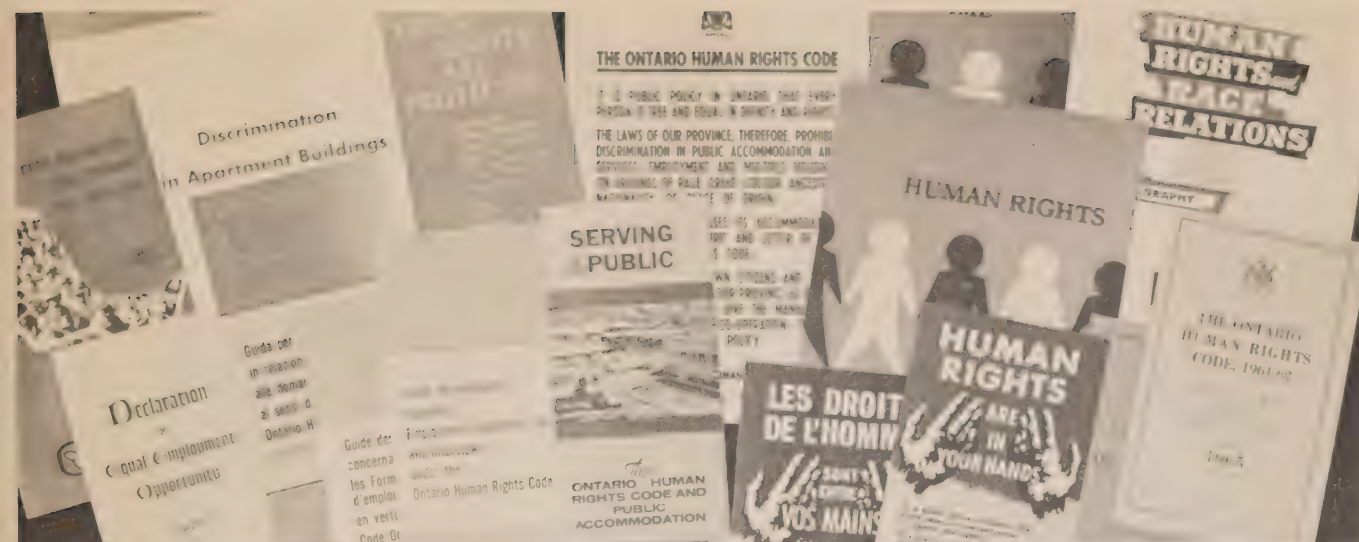
CITIZEN VAREK (The National Film Board of Canada) 12 mins. Black and White. 1952.

A portrayal of the problems of adjustment faced by the European immigrant to Canada, and of how he may come to terms with life in his adopted country. From the courtroom ceremony where a group of new Canadians are taking their oaths of citizenship, the film flashes back five years to the time of their arrival.

★ ★ ★

COLOUR OF MAN (University of California) 10 mins. Colour. 1955.

Discusses the latest theories and findings on differences in skin colour from one race to another. Reviews conditions which caused the development of colour differences among primitive men. Shows that many people still inhabit the same areas where their skin colours developed and that in between the extremes shown there are infinite degrees of shading.



ONTARIO HUMAN RIGHTS CODE (as amended 1965)

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario. Available in English and French.

★ ★ ★

YOUR RIGHTS ARE PROTECTED

A brochure outlining in brief the program of the Commission and the role of the public in helping to promote human rights in Ontario. Useful for widespread distribution. In addition to the English edition, this is now available in ten other languages: Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese and Ukrainian.

★ ★ ★

HUMAN RIGHTS IN ONTARIO

A new pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

★ ★ ★

GUIDE FOR EMPLOYERS

A brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

★ ★ ★

SERVING THE PUBLIC

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices.

HUMAN RIGHTS AND RACE RELATIONS

A comprehensive bibliography dealing with prejudice and discrimination, race and ethnic relations.

The first section lists official publications of the Ontario Human Rights Commission, the Government of Canada, the United Nations, Unesco, and the Council of Europe.

The second section is entitled, "Selected Readings on Race and Ethnic Relations"—an annotated list compiled especially for the Commission by Dr. Jean Burnet of the Department of Sociology of the University of Toronto. It includes books and reports which are considered part of the outstanding literature in the field. A special section is devoted to Canadian works.

★ ★ ★

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres, etc. Available in English and French.

★ ★ ★

HOW TO FILE A COMPLAINT

A new brochure outlining the steps to be taken when an individual feels that he has encountered discrimination in violation of the Ontario Human Rights Code.

★ ★ ★

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

Address all requests to:
Ontario Human Rights Commission
74 Victoria Street, Toronto, Ontario

DISCRIMINATION IN APARTMENT BUILDINGS

Reprint of an article by Daniel G. Hill, Director of the Commission, which appeared in the publication, Building Management.

★ ★ ★

TRADUCTIONS FRANÇAISES

On peut obtenir sans frais les publications énumérées ci-dessous, en s'adressant à la Commission ontarienne des droits de l'homme, 74 rue Victoria, Toronto, Ontario. Tel. 365-4218.

★ ★ ★

Le Code ontarien des droits de l'homme

Une brochure de 16 pages contenant le texte intégral du Code et une courte préface du premier ministre d'Ontario, l'honorable John P. Robarts.

★ ★ ★

Parchemin enjolivé reproduisant le Code ontarien des droits de l'homme

Le texte du Code est reproduit sur un parchemin enjolivé de deux couleurs, avec bordure dorée, prêt pour encadrement. Peut être affiché dans les immeubles publics, les églises, les écoles, les bureaux, les hôtels, etc.

★ ★ ★

Les droits de l'homme en Ontario

Une brochure donnant un aperçu général des dispositions du Code et renfermant des renseignements sur l'activité de la Commission et du rôle que le public peut jouer pour la sauvegarde des droits de l'homme en Ontario.

★ ★ ★

Guide des patrons

Cette brochure explique les dispositions du Code ontarien des droits de l'homme qui ont trait aux formules de demande d'emploi et aux entrevues préalables à l'embauchage et contient une liste des questions qu'un employeur doit éviter de poser à des postulants.

By DANIEL G. HILL

Commission Round-Up

THE appointment of Mrs. Ethel McLellan to the Ontario Human Rights Commission was announced recently by H. L. Rowntree, Minister of Labour.

Director of the Women's Bureau, Ontario Department of Labour since 1963, Mrs. McLellan has been working closely with the Commission on matters concerning discrimination and equal employment opportunities for women.



Ethel McLellan

The appointment fills the vacancy on the Commission left by the recent retirement of John F. Nutland.

★ ★ ★

ONE hundred and fifty formal cases of alleged violation of the Ontario Human Rights Code were investigated by the Commission from May 1965 through February 1966. These fell into the following categories: employment — 45; apartment rental — 29; employment application forms and pre-employment inquiries — 49; equal pay for women (doing the same work as men in the same establishments) — 12; public accommodation — 8; public signs and advertisements — 7. Forty-eight informal cases were also handled during the same period.

★ ★ ★

THE research study conducted by Dr. Rudolf Helling of the University of Windsor among Negro, Italian and Chinese residents of Windsor resulted in a meeting sponsored by several Negro organizations and churches of Windsor to discuss the findings. The meeting approved the formation of an executive council representing Negro organizations to determine means of dealing with the problems documented in the study. Several organizations, agencies and schools in Windsor are utilizing the study for education and action-oriented activities.

In Hamilton, where a similar research study had been carried out by Dr. J. F. Henry of McMaster University among Negroes and Japanese-Canadians, a small group has been meeting regularly under the aegis of Edward Pennington of the Canadian Citizenship Branch and including representatives of the Social Planning Council of Hamilton and Stewart Memorial Church, to consider the results of the study.

TWO Boards of Inquiry were held during the month of February. In Windsor, a public Board of Inquiry was held on February 19th into the complaint of Mrs. Sharon Freeman, a Negro woman who was denied an apartment at 1248 Argyle Road by Mr. and Mrs. Michael Basch. As a result of the hearing, conducted by Judge L. A. Deziel, a public apology was tendered Mrs. Freeman by Mr. and Mrs. Basch who had made plans to move to the United States. At the request of the complainant, the judge withheld a recommendation of prosecution.

In Owen Sound, a public Board of Inquiry was held on February 24th into the complaint of Mrs. Pearl Crosswell, a Negro waitress, who had been denied employment by Mr. Tony Protopapas, an owner of Scopis Restaurant Limited. Under the terms of the settlement, Scopis Restaurant agreed to offer Mrs. Crosswell full or part-time employment, whichever became available first. Judge C. E. Bennett conducted the inquiry and commended Mrs. Crosswell for bringing the case to the Commission.

★ ★ ★

IN the period from October 31, 1965 to March 31, 1966, members and staff of the Commission carried out more than 25 speaking engagements including several radio and television broadcasts. Groups addressed included the Indian-White Committee Conference in Kenora, the South Essex Citizens Advancement Association in Amherstburg, the Scarborough Inter-School World Affairs, the Personnel Association of Toronto, religious and ethnic groups in Hamilton, Guelph and Kitchener, and several organizations in Windsor. One radio broadcast took place in Kirkland Lake.

The Commission participated in several conferences: the Indian-White Committee Conference of the Indian-Eskimo Association in North Bay; the Conference on Poverty and Opportunity in Ottawa; the Toronto and District Labour Conference for Human Rights in Toronto; the Trinity College Conference on the Canadian Indian in Toronto; the Canadian Unitarian Council Conference on Poverty in Ottawa; and the Joint Conference of the Japanese and Chinese Canadians in Toronto.

A Mayor's Committee was established in Kenora following a demonstration in November, 1965, during which 400

Indians marched to present a brief to the Town Council of Kenora. The Mayor's Committee will concern itself with employment problems relating to Indians. The Commission is represented on the Committee alternately by Dr. Louis Fine and Dr. Daniel G. Hill.

★ ★ ★

A TWO-DAY conference of provincial administrators of human rights legislation will be held in Toronto during the month of May. All of the provinces having provincial human rights legislation have been invited to send delegates and those provinces without legislation have been asked to send observers. The Conference will consist of informal sessions for the purpose of sharing experiences in conciliation and education as well as the history and background of the legislation in the respective provinces. This gathering has been planned by the Ontario Commission as a prelude to the 1967 international Conference of Commissions for Human Rights which will be held in Toronto.

★ ★ ★

TWO establishments in Sudbury have invited Indians to use their facilities following complaints of discrimination. A Sudbury tavern had allegedly refused service to Indians on two separate occasions and a restaurant in that city was the subject of two complaints of Indian women who maintained that they were denied service. Following meetings with the management of both establishments, the Commission obtained assurances of compliance with the Ontario Human Rights Code. As part of the settlements in these cases, the complainants were invited to visit the establishments, where apologies were tendered for any inconvenience or embarrassment they may have experienced. The staffs of both establishments were instructed to abide by the Ontario Human Rights Code copies of which are to be permanently displayed in both places as indications of policy.

HUMAN RELATIONS

Vol. 7 - June 1966 - No. 13

Published by

Ontario Human Rights Commission

Department of Labour

8 York Street, Toronto

Hon. H. L. ROWNTREE, Q.C.
Minister of Labour.LOUIS FINE, LL.D., *Chairman*
THOMAS M. EBERLEE, *Secretary*
DANIEL G. HILL, *Director*
JOYCE APPELBAUM,
GORDON GREENAWAY,
ETHEL McLELLAN, *Members*Address all correspondence to:
Ontario Human Rights Commission,
74 Victoria St. Toronto.



Government
Publications

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

December, 1966

No. 2



PHOTO BY ERIC CHRISTENSEN, GLOBE AND MAIL

Fair Housing Practices Accord Signed by the Ontario Real Estate Boards



Hon. H. L. Rowntree, Minister of Labour (centre), E. A. Mitchell, President Ontario Association of Real Estate Boards (right) and Dr. Louis Fine, Chairman of the Ontario Human Rights Commission signing the Declaration of Fair Housing Practices at Queen's Park.

ONE OF THE MOST SIGNIFICANT DEVELOPMENTS IN THE FIELD OF HUMAN rights in the past two decades reached its climax at the provincial Parliament Buildings during the summer when E. A. Mitchell, President of the Ontario Association of Real Estate Boards joined with Labour Minister H. L. Rowntree and Dr. Louis Fine in signing a Declaration of Fair Housing Practices.

The Ontario Association is the largest of its kind in Canada and represents over 80% of all those registered to sell real estate in the province. Membership boards are located in 43 Ontario centres involving 1,847 real estate brokers and 6,877 salesmen.

The Declaration, the first of its kind in North America includes:

1. A statement of policy on non-discrimination, stressing that housing matters should be dealt with without reference to such factors as race, creed, colour, ancestry or place of origin.
2. The acceptance of property listings from the public on an unrestricted basis and without reference to race, creed, colour, ancestry or place of origin.

3. The encouragement of the use of the educational and conciliation services of the Ontario Human Rights Commission in order to promote full and equal housing opportunity for all members of the public.

Mr. Rowntree warmly commended the Association "for the moral leadership they have displayed. It places them in the forefront of those who have striven for the achievement of equal opportunity for all our people." The Minister referred to the enactment of the Conveyancing and Law of Property Act passed by the Legislature in 1950 which states that: "every covenant made after March 24th of that year that restricts the sale, ownership, occupation or use of land because of the race, creed, colour, nationality, ancestry or place of origin of any person

is void and of no effect."

Mr. Rowntree quoted from the historical decision on restrictive covenants by the then Justice J. Keiller Mackay in 1944 which formed the basis of the legislation. "In my opinion nothing could be more calculated to create or deepen divisions between existing religious and ethnic groups in this province or in this country . . . It appears to me to be a moral duty at least, to lend aid to all forces of cohesion, and similarly to repel all fissiparous tendencies which would imperil national unity."

Association President E. A. Mitchell said they "had become aware of some problems with regard to the activities of a few real estate salesmen which were felt not to be in accord with the Ontario Human Rights Code."

After discussing the matter with the Ontario Human Rights Commission "it was felt that the best interests of all would be served if the Association adopted a specific policy on human rights which would clearly enunciate to its members and the general public its attitude toward the Human Rights Code and this is incorporated in the document we have signed today."

Following the signing ceremony, Dr. Louis Fine, Chairman of the Ontario Human Rights Commission declared: "In my forty years of dealing with problems of human relations I regard this agreement as one of the finest examples of co-operation between a major industry and a government body in promoting human dignity."

"Man's capacity for justice makes democracy possible, but man's inclination to injustice makes democracy necessary."

—Reinhold Niebuhr

OUR COVER PICTURE

SCORES OF DELIGHTED CHILDREN WERE on hand to cheer when an R.C.A.F. Hercules put down at Antigua Airport, carrying desks and school supplies, a gift from Ontario for the classrooms of the Leeward and Windward Caribbean Islands.

Education Minister W. G. Davis received the assistance of National Defense Minister Paul Hellyer who supplied the Hercules Aircraft for two 2500 mile trips to the Islands carrying 1300 school desks and several tons of textbooks and other school supplies.

IGNORANCE OF THE HEART*

LISTER SINCLAIR

WE ALL LIKE TO THINK WELL OF OURSELVES; THAT'S BOTH NORMAL AND necessary. But often things may come up, when the only way we can keep thinking well of ourselves is to start thinking badly of somebody else; and race, or a religion is a very handy thing to nail on to. Especially, since the things we feel deepest in our heart are our customs, our habits, the special little ways that we love and that we have grown up with.

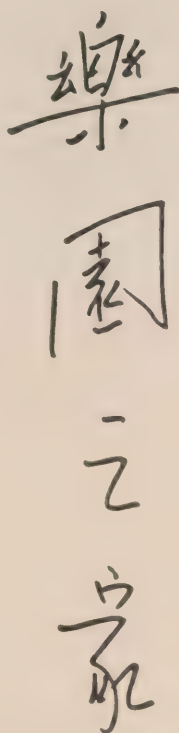


Other people's ways seem strange and therefore unpleasant; surely ours must be the best way, otherwise why would we be doing it? Sometimes we don't realize quite

how much all those things we regard as especially ours, as our unique property, how much those things really come from other people; and if we do know about it with our heads, we may still not be feeling it in our hearts, for ignorance of the heart is the home of discrimination.

Consider for a moment this little piece done by an American anthropologist, Ralph Linton. Everything in it is true, and the remarks though he speaks of Americans apply, of course just as strongly to Canadians, or to anybody else in the western world. I think you'll find the facts interesting; they appeal to the head; but I think, too, that you'll find the way Ralph Linton has put them will make those facts full of feeling, full of meaning for the heart:

"Our solid American citizen awakens in a bed built on a pattern which originated in the Near East, but which was modified in Northern Europe before it was transmitted to America. He throws back covers made from cotton, domesticated in India, or linen, domesticated in the Near East, or wool from sheep, also domesticated in the Near East, or silk, the use of which was discovered in China. All of those materials have been spun and woven by processes invented in the Near East. He slips into his moccasins, invented by the Indians of the Eastern Woodlands, and goes to the bathroom, whose fixtures are a mixture of European and American inventions, both of recent date. He takes off his pajamas, a garment invented in India, and washes with soap invented by the ancient Gauls. He then leaves, a masochistic rite which seems to have been derived from either Sumer or ancient Egypt.



Canadian diplomat Chester A. Ronning following his address to the recent Toronto University Teach-in, recommended the four Chinese characters (shown above) as a hopeful slogan for future East-West relations. Its literal translation: One family under Heaven.

"Returning to the bedroom, he removes his clothes from a chair of southern European type and proceeds to dress. He puts on garments whose form originally derived from the skin clothing of the nomads of the Asiatic steppes, puts on shoes made from skins tanned by a process invented in ancient Egypt and cut to a pattern derived from the classical civilizations of the Mediterranean, and ties around his neck a strip of brightly-colored cloth which is a vestigial survival of the shoulder shawls worn by the seventeenth-century Croats. Before

going out for breakfast he glances through the window, made of glass invented in Egypt, and if it is raining puts on overshoes made of rubber discovered by the Central American Indians and takes an umbrella, invented in southeast Asia. Upon his head he puts a hat made of felt, a material invented in the Asiatic steppes.

"On his way to breakfast he stops to buy a paper, paying for it with coins, an ancient Lydian invention. At the restaurant a whole new series of borrowed elements confronts him. His plate is made of a form of pottery invented in China. His knife is of steel, an alloy first made in southern India, his fork a medieval Italian invention, and his spoon a derivative of a Roman original. He begins breakfast with an orange, from the eastern Mediterranean, a canteloupe from Persia, or perhaps a piece of African watermelon. With this he has coffee, an Abyssinian plant, with cream and sugar. Both the domestication of cows and the idea of milking them originated in the Near East, while sugar was first made in India. After his fruit and first coffee he goes on to waffles, cakes made by a Scandinavian technique from wheat domesticated in Asia Minor. Over these he pours maple syrup, invented by the Indians of the Eastern Woodlands. As a side dish he may have the egg of a species of bird domesticated in Indo-China, or thin strips of the flesh of an animal domesticated in Eastern Asia which have been salted and smoked by a process developed in northern Europe.

"When our friend has finished eating he settles back to smoke, an American Indian habit, consuming a plant domesticated in Brazil in either a pipe, derived from the Indians of Virginia, or a cigarette, derived from Mexico. If he is hardy enough he may attempt a cigar, transmitted to us from the Antilles by way of Spain. While smoking he reads the news of the day, imprinted in characters invented by the ancient Semites upon a material invented in China by a process invented in Germany. As he absorbs the accounts of foreign troubles, he will, if he is a good conservative citizen, thank a Hebrew deity in an Indo-European language that he is one hundred per cent American."

That piece, I think, appeals to the feeling as well as to the thinking. So, you see, ignorance breeds discrimination.

*Excerpt from a radio talk by Lister Sinclair, well known C.B.C. Science Commentator, in a series sponsored by the Department of Labour, Ottawa, under the title "Do Unto Others."

PLEASE DON'T!

Don't use the word "Jap."

"Jap" is a convenient term. It fits into headlines. It's easy to say.

But it is offensive to many Canadians.

It is derogatory in the same sense that "kike," "wop," "chink," and "nigger," are derogatory.

Right-thinking, fair-minded Canadians do not use such expressions.

They are a shameful remnant from an earlier era when our country was made up of many unassimilated immigrant groups.

But that era is gone, and we are all Canadians proud of our backgrounds and entitled to dignity.

So please, don't say "Jap."

Why is "Jap" not a nice word?

Because it has a long, bitter history of derogatory connotations.

Some may feel it is a logical contraction of "Japanese," unaware that for years "Jap" was used as an insult.

As used by bigots and racists intent on ridding the West Coast of the fictitious "yellow peril," "Jap" became a symbol of hate and contempt.



National President Edward R. Ide (centre standing) and Members of the Japanese Canadian Citizens Association

Those days are gone forever, but the expression—no matter how innocently used—still stings like a whiplash.

But don't take our word for it.

"An opprobrious usage," says *Funk and Wagnalls*.

"A shortened form often expressing contempt," says *Webster's New World Dictionary*.

"Often used disparagingly," says *Webster's Third International Dictionary*.

Most communications media have rules against the use of the term "Jap."

But occasionally, through lack of understanding, or other reasons, this offensive expression comes back to life.

Please help us put it to rest permanently. It has no place in our language.

The Japanese in Canada are Canadian citizens, mostly the second and third generation descendants of

immigrants who came here in search of opportunity and freedom.

If you need a short, accurate, descriptive term, call them *Nisei*. Its literal meaning is "second generation" but common usage has made the word applicable to all Canadians of Japanese origin.

The *Nisei* are good Canadians.

THEY ARE NOT 'JAPS'



JAPANESE CANADIAN
CITIZENS' ASSOCIATION

National Headquarters

415 Spadina Avenue

Toronto 2B, Ontario, Canada

TAKE THE STING OUT OF WASP!

by CANON OWEN PRICHARD*

HERE IS ONLY ONE MATTER ON WHICH I WOULD COVET THE POWER OF A censor of the press and other media. I would wield the blue pencil whenever that nasty word WASP was printed or spoken by those making public utterances.



For some time I have been hoping that this epithet would die a deserved death; but it is showing no signs yet of dropping out of the speech of supposedly - enlightened people.

Their persistent relish in using the word is fortifying the attitude in which the word is used by sophomoric minds, and I will soon be a handy four-letter word for any ignoramus who wants to vent his bitterness by castigating a group of our society.

A commentator on social groups initiated the words White, Anglo-Saxon, Protestant, and discovered that the initials formed a word, and his or her public use of it brought a surprised chuckle from the audience.

But even the best of jokes lose something by constant repetition, and a bad joke heard over and over gets tiresome. The panelists and writers who continue apportioning the blame for social ills on WASP culture, WASP attitudes, are not only offending against taste, they are adding new problems to a society which has enough prejudicial attitudes to get along without.

The very people who pride themselves on a detached and yet compassionate observance of their fellow-man and his ways should be the last to be guilty of using a style of speech which many of us think we have left behind.

What right?

If divisive and derogatory words such as chink, dago, hunky, and wop have now been cleaned out of the mouths of most people, what gives these otherwise-educated writers and speakers the right to put another uncouth expression into the public vocabulary, a word which will do no good to the person using it or the persons against whom it is used?

Before any of them reply that I

shouldn't be sensitive, and assure me that some of their best friends are WASPS, I want to make it clear that I am not individually concerned, since I don't exactly fit the three sections title, which I notice is seldom used without an implied or open sneer.

Instead I would ask anybody to examine their right to use this group label at all, on grounds of truth as well as of taste. These word-coiners are the people who would agree and even insist that no man should have a group-censure put on him simply because he might be black, or of European stock, or have a certain religion.

Receiving end

But those who by accident of birth and choice of religion have a WASP brand inflicted on them are the ones who

are on the receiving end of the stinging name-throwing.

By definition, William Shakespeare was a WASP, so was Sir Winston Churchill, but these things shouldn't have to be mentioned to give acceptance to people here and now who, along with members of other groups in this day, have been as anxious as the next person to have done with labels.

No one is trying to conceal the facts that some of the ills of North American society were created by people who were white, and Anglo-Saxon or some types of Protestants. But it is also true that among those now trying to rectify those ills are thousands of people who are white, and Anglo-Saxon and Protestant.

Surely they shouldn't have to wait until they are such a numerical minority in the Canadian population that they are discovered by the demonstrating zealots and we see people marching with signs saying, "WASPS are people, too; give them fair treatment!"

Now, having used the word which is creating an offensive odor wherever people talk about other people, I'm going to wash out my mouth with soap — don't you wish everybody did?

*Canon Prichard is Rector of Toronto's Church of The Redeemer. He is a frequent contributor to the feature column Dissent in the Toronto Telegram. This article is reprinted by permission of the Editor.

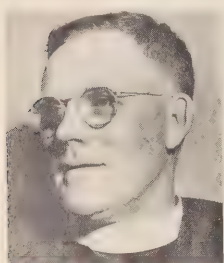
SCHOOLYARD FRATERNITY



LETTERS COMMENT

OUR UNPAID DEBT TO "ORIGINAL CANADIANS"

MAY I COMMENT ON A RECENT NEWS REPORT WHICH APPEARED ON THE front page of many daily newspapers under the headline "Quebec group wants eleventh province."



The group is expressing nothing new. This is an accepted factor by a large number of people living in an area which had economic develop-

ment, education, religious stability, and the administration of justice, quite independent of Upper or Lower Canada for two centuries or so. The first school, hospital, church, or trading post, did not come from the south or near north which is so vociferous, and in matter of fact is the southern limits of this great area, when these were first instituted. All of this came via the Hudson Straits, as did the explorers who preceded all Europeans of the southern reaches, and this life has continued unbroken through the centuries to our present time.

The article indicates a typical approach, that exists in Canada today, ignore something, or some area, until it is convenient, economically or otherwise to take it over. So I take this opportunity to remind the promoters of this idea and others. The basic language of the greatest land-mass of this proposed province is neither French nor English, but Cree, Ojibway and Eskimo, and until the introduction of a system of provincial education, 99 per cent of these people were literate in their own language. This literacy has decreased because of governmental policy.

In this area, and in the minds of these people who inhabit it, there is no provincial boundary, nor was there ever one, and both provincial governments are so wrong, in attempting to promote their own provincial ideologies, by argument or any other means. It is time there was an honest co-operative effort, by government at all levels, to solve the problems of these people, which we Europeans have thrust upon them. The worship of the tax-dollar alone is not the answer.

There is a responsibility on our part. There is an unpaid debt. Every inch of Canada was explored by the help and knowledge of the Indian and half-breed. When the Indian refused to go further, LaSalle turned back; so it was with Hearne, Fraser and others—the exception

being Kelsey of the Hudson's Bay Company, and he married an Indian woman, and in many ways became one of them. So he was the first white man to see the buffalo, untouched, unharmed by the greed which was to follow.

If we search carefully the history of our mining development in Canada, there is a similar story. Numberless discoveries aided, and actually made by the knowledge and experience of these original inhabitants, with the recognition and benefits going to others.

Should the promoters of this project really mean what they say, and I sincerely hope they do, then their efforts will be directed towards making the original Canadians "masters in their own house." A real, and honest attempt will be made to correct the results of the errors of the past. A true brotherly attitude and approach will be made toward these people, as they make a social and cultural leap in a generation or so, which took us five centuries to accomplish.

Rt. Rev. Neville R. Clarke, D.D.
Bishop of James Bay



Irrelevant

I HAVE OFTEN WONDERED WHY newspaper reports of crimes and their follow-up in courts so often include the suspect's national or racial origin, invariably when he is not of our predominantly Anglo-Saxon group. Thus in a recent press report of two youths who were charged with robbing a retired clergyman, in one case there was no mention of nationality, so presumably he was a Canadian of Anglo-Saxon origin. The second lad, however, was referred to as "a mop-haired German born youth." Another news headline about the same time fairly shouted "Homesick Yugoslav charged in 8 fires."

Arson is committed by people who are deeply disturbed emotionally, as you are aware: arsonists are not predominant in any racial group I know of. What is the point then of giving prominence to nationality or race or religion as is so often done with minority group offenders? What relevance has race to the story?

It is my conviction this practice of reporting racial origin in crimes and of

suspects is discriminatory against the individual and the race of which he happens to be a member. Further, I believe such reporting, especially in a great cosmopolitan centre like Toronto, feeds group vanities, accentuates sectional jealousies and helps give support to the more serious manifestations of the racial problem in racial violence and even war.

What does it matter to the public awareness of the ever newsworthy area of crime and criminal acts, what the charged or suspect's racial or national origin is?

(Rev.) Alex F. Cowan

Owen Sound



"In Very Poor Taste"

I RECEIVED FOUR BOOKS FROM THE Ontario Department of Education as part of a correspondence course for which I had made application.

One of these text books was titled "Poems Past and Present". It was edited by a Mr. Harold Dew, published by J. M. Dent and Sons of Toronto and Vancouver and printed in 1964 by the Hunter Rose Co. Ltd. of Toronto.

On page 203 there is a poem titled "De Glory Road" written by Clement Wood. The language in this poem is both offensive and in very poor taste. The following is an excerpt:

"Sez de Lawd "No sinnah you must trappel back

Ter he'p po' Niggahs up de glory road
Ter he'p old mo'ners and de scoffin' Coons

By shoutin' loud Hallelujah tunes!"

This book which is a standard English Literature text with the Ontario Department of Education for Grade Nine, is also used in some secondary schools.

The possibility that *some child* who the past or may one day in the future refer to me as a "nigger" because he or she learned it in school leaves much to be desired. Particularly in the province that maintains the highest educational standards in our great country.

Scarborough, Ont.

George Peter



JOHN DRAINIE

1916 - 1966

"So to address our spirits to the heights
And so attune them to the valiant who
That the great light be clearer for
our light,

And the great soul the stronger for
our soul,

To do this is to have lived, though faint
Remember you with no familiar name

—Archibald Lampman

"The largest life"—18

FURTHER VIEWS ON RESTRICTED COVENANTS

THERE HAS BEEN SOME CRITICISM OF MY LETTER IN THE JUNE ISSUE OF Human Relations on the subject of restrictive educational institutions such as the Leonard Foundation. I have received a letter from a lawyer expressing astonishment that I should put forth such views. He claims that "a man who is committing his money to a charity has a right to make the conditions; and these conditions are inviolable, especially after his death."

I am somewhat mystified. I wonder if my critic really did read my letter. I pointed out that "legislators have already made provisions of wills to conform to public interest". One illustration of this appeared recently in our local papers concerning the willing of property in perpetuity. I know of one bequest to a church that stipulated there should never be a cross or candlesticks on the altar. This has now been changed on the grounds that the donor lived at a time of great religious prejudice. Now that a spirit of tolerance and understanding has developed among denominations, the committee charged with administering the proceeds of this bequest agreed that the donor would now be rejoicing in that "beyond" that the stipulation made good faith many years ago is now changed.

This method of adjusting the terms of wills to conform to the public interest does not break faith with those who die. It is my critic claims. Even most Biblical literalists would hardly argue that, since St. Paul urged slaves to obey their masters, we have broken faith with him when Bishop William Wilberforce denounced the slave laws of his day or when Martin Luther King resists the economic and political slavery of to-day. Nor is this a reflection on the character and faith of St. Paul, any more than my criticism of the terms of Colonel Leonard's Will can be interpreted as a reflection on the character and spirit of Colonel Leonard. Actually, I referred to him as "a great humanitarian". His generous benefactions have helped many — not only through awards by the foundations that bear his name. No word of mine can be construed as a reflection on Colonel Leonard nor on his works in his day.

However, what I do suggest is that restrictive covenants and provisions such as the Leonard Foundation need "updating" to re-align them with present-day principles and concepts of freedom and justice as expressed in our Human Rights Code. The term "public interest" now connotes something different than it did in Colonel Leonard's day. For this I am sorry.

Last year "Human Relations" commemorated the 750th anniversary of Magna Carta — considered as a great British civilizing enactment and a British

Institution. I join the thousands of Canadians who share a British ancestry in thanksgiving that the Canadian Bill of Rights and the Ontario Human Rights Code have effectively extended the spirit of Magna Carta meaningfully into present realities.

To illustrate the spirit of an age intent on eliminating ancient prejudices and unworthy practices, I would point to the presence of a Roman Catholic prelate at an Anglican Synod. How grateful I was to have been a member of the 107th Synod of the Diocese of Huron when Bishop Carter made history by addressing the Synod. This could not have happened ten years ago — nor when Colonel Leonard was with us. Even "Ecumenism" was an academic subject in those times. They are no more.

I hope, sir, that others may write on this issue and that some action may be taken to correct the discriminatory principles of this otherwise commendable and useful bursary.

(Rev.) John F. Wagland
Rector, Trinity (Anglican) Church
St. Thomas, Ont.

'Human Relations' En Français

NOUS FAISONS ÉCHO à une lettre que vous adressait Soeur Joseph-da-la-Paix de Kirkland Lake, vous suggérant de publier la revue "Human Relations" en français.

Il va sans dire que nous appuyons la demande qui vous a été adressée et qu'à titre de porte-parole principal de l'élément franco-ontarien nous vous adressons par la présente la même requête. Nous sommes assurés qu'un très grand nombre de Franco-Ontariens serait intéressé à recevoir la publication française de "Human Relations" et même d'y collaborer; à cet effet, nous serions heureux de vous fournir une très longue liste d'envoi.

Le secrétaire adjoint,
Rémy Beauregard

Ottawa



ENTRANCE REQUIREMENT

LORD STRATHCONA DIED ON JANUARY 21, 1914. His snobbery extended beyond the grave.

His will directed that money be set aside for the establishment of a leper colony.

But it had a strict entrance requirement — only leprous English gentlemen of good standing could be admitted.

—From *Flame of Power*
by Peter Newman

I AM AN INDIAN

I AM AN INDIAN. SINCE BIRTH, I HAVE remained an Indian. I cannot say that



I find living in Fort Frances harder than a white person does. I can say, though, because I am an Indian, that I think prejudiced people are cruel and should be punished. Being what some boys nastily term "a squaw" I am, of course, subjected to hurt and embarrassment. I am not saying that I am ashamed of my nationality, but I always thought that there were no barriers to friendship — not even colour. Being taunted and teased doesn't bother me. But I do know a girl who hates her Indian blood so much that she has denied her race. She has denied her relatives, too, because they are easily recog-

nized as Indians. Can we say that this is her fault alone?

I am not a saint — far from it. But I do believe that God made all people the same inside. Maybe the covering is coloured a little differently, but is this a reason to hate? Do beautiful people hate the less pretty? I cannot say that I am better than another, but I cannot say that I am less.

My trivial hardships here in Fort Frances aren't nearly as bad as the hardships many Negroes must face. I like my life here. If people don't like me right away, they will hate me forever because I will not waste time trying to change their minds. I have a pretty fair code to live by. This is it: Indians and Negroes are brought into the world by the same process as are all human beings and are made in the same image of their Divine Creator. They should not know hate and defeatism — but they do.

Gail Bruyere, Grade 11a, Fort Frances High School

International Conference For Human Rights Will Hold 1967 Sessions in Toronto



Members of the Planning Committee for the Conference of Commissions for Human Rights, to be held in Toronto in 1967, meet under the chairmanship of Dr. Louis Fine.

THE NINETEENTH ANNUAL CONFERENCE OF COMMISSIONS FOR HUMAN RIGHTS will be held in Toronto on July 4-8, 1967.

The conference is international in scope and is comprised of some thirty-two state and provincial human rights commissions, over one hundred municipal commissions and representatives of federal human rights agencies. The majority of these are responsible for administering enforceable human rights legislation. Ontario and the Government of Canada have been participating in the conference for the past several years. Previous sessions have been held in Colorado, New York, Minneapolis and Pittsburgh.

It is expected that observers from England will be present for next summer's conference which is being held in Canada for the first time, and that all of the provinces which have human rights legislation will take part. Some three hundred or more delegates are expected to attend. During four intensive days, the conference will discuss the relationship of commissions to cultural and racial minorities, problems of administration and legal questions involved in the on-going operations of the commissions.

The function of the planning committee which met in Toronto recently, is to establish the theme of the conference and to decide upon the nature of the sessions, the speakers and the general conference program. Members of the committee are representative of provincial, state and municipal commissions covering a wide geographical area of the United States and Canada with lengthy experience in organizing and participating in previous conferences.

The next meeting of the Planning Committee will be held in Chicago on January 12, 1967.

Student Housing Agreement

RYERSON POLYTECHNICAL INSTITUTE in Toronto has worked out, in co-operation with the Ontario Human Rights Commission, a procedure for ensuring that all landlords and landladies listed in their housing registry will accept students without regard to race, religion or colour.

A letter was drawn up, listing a number of conditions to which each landlord or landlady must consent in writing before being accepted. The conditions include such matters as provision of proper study facilities, willingness to keep the student or students for the entire school term, agreement not to increase the rent during the stay of the student, and agreement that if house duties are required, they should be decided upon before the student takes up residence. The second item on the list of conditions reads, "That there will be no discrimination because of colour, race, or religion."

This procedure was worked out by the Institute after press reports that African and Asian students had had difficulty

Staff Appointments

DR. LOUIS FINE HAS ANNOUNCED THE appointment of Herbert A. Sohn as Assistant Director of the Ontario Human Rights Commission.

Mr. Sohn first joined the staff in 1963. He holds a Masters Degree in Social Work from the University of Toronto and has had wide experience in the field of conciliation and community relations. His thesis "Fair Employment Practices in Ontario" was of great assistance to the Commission in re-organizing its work under the Ontario Human Rights Code.

In addition to his administrative duties, Mr. Sohn has travelled extensively throughout the Province and has spoken to a wide variety of community organizations on the work of the Commission.



GEORGE K. LEWIS HAS BEEN APPOINTED to the Commission staff as a Human Rights Officer.

After graduating from Stratford Teachers' College, Mr. Lewis taught elementary and high school for several years in Newmarket and Grimsby. During this time he was public school principal and started university work through extension courses. In 1965 he graduated from McMaster University with a B.A. in Anthropology. While there he conducted a special research on the life of the Mennonite Community.

Mr. Lewis will be working from the Commission's Toronto office.



finding housing because of their race and colour. John Yeaman, President of the Students' Administrative Council at Ryerson, and D. B. Sutherland, Director of Student Affairs, were active in preparing the list after consultation with the Ontario Human Rights Commission.

The Commission has commended the Ryerson Institute for taking this action and has cited it as an outstanding example of co-operation between an educational institution and the Commission in ensuring human rights in the area of student housing. The Commission is confident that this approach will serve as a model for other educational institutions

CHARTER FOR HUMANITY

ON DECEMBER 10, 1948, THE GENERAL ASSEMBLY OF THE UNITED NATIONS adopted and proclaimed the Universal Declaration of Human Rights, the full text of which appears in the following pages. The Assembly called on all Member countries to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society,

UNIVERSAL

HUMAN

RIGHTS

DAY

DECEMBER 10

keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any

other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

(Continued)

CHARTER FOR HUMANITY

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.



(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

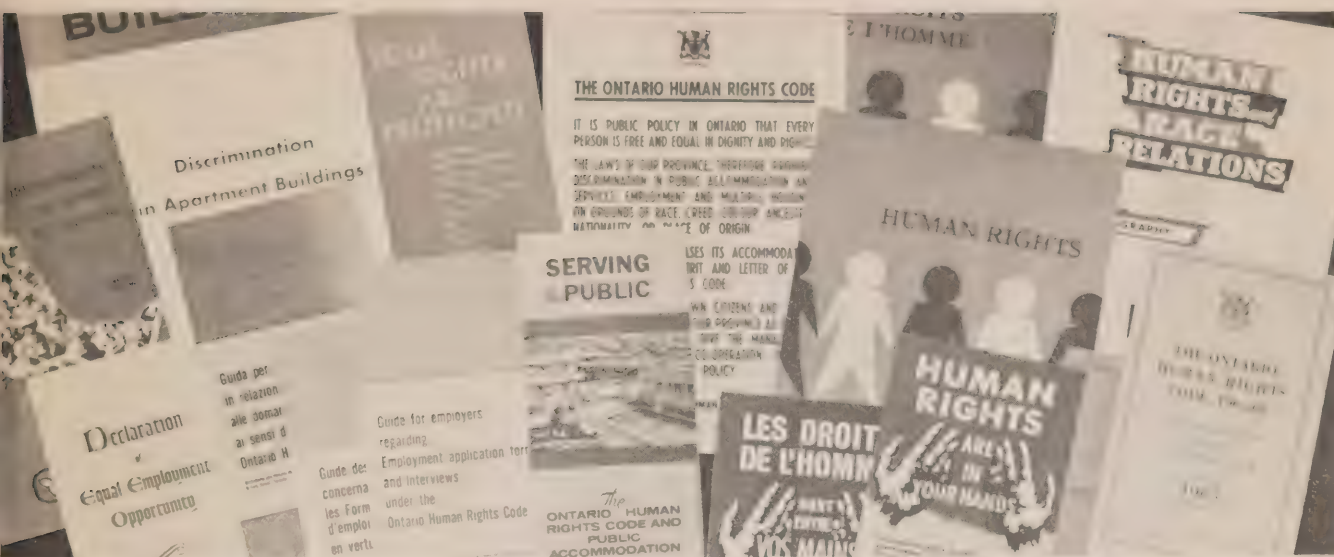
Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.



LAW CALLS FOR JUSTICE

Full text of an address by Honourable C. McRuer, LL.D., to the Section of Social Administration, American Bar Association.

THE AGE DISCRIMINATION ACT 1966

8 page pamphlet containing the full text of the Age Discrimination Act passed by the 1966 Session of the Legislature. Available in English and French.

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres, etc. Available in English and French.

OUR RIGHTS ARE PROTECTED

A brochure outlining in brief the program of the Commission and the role of the public in helping to promote human rights in Ontario. Useful for widespread distribution. In addition to the English edition, this is now available in ten other languages: Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese and Ukrainian.

HUMAN RIGHTS IN ONTARIO

A new pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

SERVING THE PUBLIC

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices.

ONTARIO HUMAN RIGHTS CODE (as amended 1965)

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario. Available in English and French.

GUIDE FOR EMPLOYERS

A brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

DISCRIMINATION IN APARTMENT BUILDINGS

Reprint of an article by Daniel G. Hill, Director of the Commission, which appeared in the publication, *Building Management*.

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

Address all requests to:

Ontario Human Rights Commission
74 Victoria Street, Toronto, Ontario

TRADUCTIONS FRANÇAISES

On peut obtenir sans frais les publications énumérées ci-dessous, en s'adressant à la Commission ontarienne des droits de l'homme, 74, rue Victoria, Toronto, Ontario. Tél. 365-4218.

Loi de 1966 sur les disparités de traitement fondées sur l'âge

Une brochure de 8 pages contenant le texte intégral de la Loi de 1966 sur les disparités de traitement fondées sur l'âge passée au cours de la Session de l'Assemblée Législative de 1966.

Le Code ontarien des droits de l'homme

Une brochure de 16 pages contenant le texte intégral du Code et une courte préface du premier ministre d'Ontario, l'honorable John P. Robarts.

Parchemin enjolivé reproduisant le Code ontarien des droits de l'homme

Le texte du Code est reproduit sur un parchemin enjolivé de deux couleurs, avec bordure dorée prêt pour encadrement. Peut être affiché dans les immeubles publics les églises, les écoles, les bureaux, les hôtels, etc.

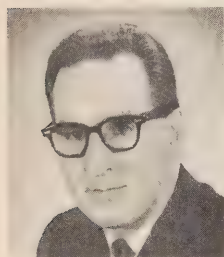
Les droits de l'homme en Ontario

Une brochure donnant un aperçu général des dispositions du Code et renfermant des renseignements sur l'activité de la Commission et du rôle que le public peut jouer pour la sauvegarde des droits de l'homme en Ontario.

COMMISSION ROUNDUP

by R. W. McPHEE

TEN OUT OF TWELVE COMPLAINTS RECEIVED FROM INDIAN PEOPLE BY THE Lakehead Regional Office of the Commission during the months of August and September have been directed against government agencies.



A similar complaint pattern emerged during group discussions at the founding convention of the Northwestern Ontario Association of Indians in Fort William.

It would be premature to see this initial complaint pattern as an indictment of government services to the Indian community. The situation of the Indian is such that most of his non-Indian contacts are with representatives of government and police agencies. Geographically he is isolated from the main-stream of non-Indian society. He has little stake in the economy of the area and socially he is an outsider in the towns and cities of Northwestern Ontario.

Geographic and Economic Isolation

The 15,000 (1961) Indians of Northwestern Ontario live on 53 Reserves in an area of 212,967 square miles. This thin spread of population in a large area of forest, with accompanying difficulties of communication, has decided implications for community development, economic improvement, and extension of government services. This is illustrated by a recent report the Commission received of alleged violations of the Ontario Human Rights Code in an area north of Red Lake.

The economic position of the Indian people is grave. Very few of them are employed in the basic industries of the area.

The operator of a sawmill on a Kenora area Reserve told the Commission that he employs eighteen Indian workers, but only has need for nine or ten. He reports that no more than ten workers turn up for work each day, and by employing more than he needs, he has reasonable assurance of a sufficient work force. He attributed the high rate of job absenteeism to inadequate housing, lack of personally satisfying activities after working hours, and the alcohol problem.

Several tourist operators have complained to the Commission about the instability of their Indian work force, and have stated that they would gladly employ more Indian workers if they could

count on them. In response to this criticism, Indian leaders have pointed out that the Indian guides are only paid when there is work to be done and are expected to be available at all times. Consequently, they have a great deal of idle time on their hands and when their pay is averaged over the period of their total time commitment, it is very low.

Social Isolation

Again socially, the Indian is an outsider in the non-Indian community. The towns of Northwestern Ontario are not prepared or equipped to play host to their Indian visitors. Washroom facilities are few and recreational centres almost non-existent. Beverage rooms, small restaurants, and the streets are the only refuge most Indian people have when they visit our towns. This being the case, a disproportionate number of Indian people have contact with the police and the courts, and to many an Indian person, the face of a non-Indian town is the face of a policeman!

Police officials have suggested to the Commission that some Indians are using the charge of racial discrimination to avoid legitimate charges against them. As evidence of their predicament, officers of the Red Lake Detachment of the Ontario Provincial Police report that more than 90% of 600 arrests this year have involved Indian people. They claim that most offenses are related to abuse of alcohol and they report an increasing number of suicide attempts by Indian female inmates during a period of alcohol induced depression.

Signs of Hope

The growing strength of Indian organization in all parts of Northwestern Ontario represents the most hopeful step forward in the struggle of Indian people to regain their rightful place in the main stream of Canadian life. The Commission has participated in meetings of Indian organizations in Kenora, Fort Frances, and the Lakehead. Non-Indian people who have participated as resource people in these meetings have come away deeply aware that the Indian people are meeting their own problems and will come up with their own solutions.

A year ago, a delegation of Indians submitted a brief to the Kenora Town

Council. Among other things, they called for the "forwarding of a resolution to the Attorney General of Ontario to involve the Alcoholism Research Foundation in the fight against alcoholism in the Kenora area." Today a full time staff of four has begun the implementation of a four phase program which will mean treatment and a new beginning for many who are now caught in the dreary circle of drunkenness, jail, and despair!

We are particularly concerned about Indian young people now in high school. We intend to make certain that they are made aware of the opportunities for continuing education and the apprenticeship programs. In co-operation with the other branches of the Ontario Department of Labour, we are working to make certain that the services of the Department are available to all the Indian people of Northwestern Ontario. We are ready to assist the Indian people in their relationship with other government agencies and in their relationships with police authorities. The Commission will continue to work with all community groups in an effort to forestall inter-group tensions.

OH CANADA, MY COUNTRY

*My roots are in this soil,
Whatever good or bad, what vain
hope or mighty triumph lies in you,
That good or bad, that destiny is
in me
Where you have failed, the fault is
on my head,
Where you are ignorant or blind or
cruel, I made you so.
In all your folly and your strength
I share,
And all your beauty is my heritage.*

—Gwen Pharis (Ringwood)

Written in 1940

HUMAN RELATIONS

Vol. 7 - December 1966 - No. 2

Published by

Ontario Human Rights Commission

Hon. H. L. ROWNTREE, Q.C.

Minister of Labour.

LOUIS FINE, LL.D., Chairman

THOMAS M. EBERLEE, Secretary

DANIEL G. HILL, Director

JOYCE APPLEBAUM,

GORDON GREENAWAY,

ETHEL McLELLAN, Members

Address all correspondence to:

Ontario Human Rights Commission,

74 Victoria St.



Toronto.



Government
Publications

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

June, 1967

No. 15



The Indians Were Here First
(See page 4)

2 ON
2
5

Ontario Human Rights Code Strengthened by Amendments

ONTARIO TOOK ANOTHER IMPORTANT STEP IN THE AREA OF HUMAN RIGHTS AT the recent Session of the Legislature when Labour Minister, Dalton Bales introduced two major amendments to the Ontario Human Rights Code.



Dalton Bales

Previously the Code applied only to buildings containing more than three units. Under the new amendment the limitation will no longer exist and the Code will now apply to all self-contained housing accommodation throughout the province.

The second amendment applies to the fair employment provisions of the Code which previously exempted employers of less than five employees. The new legislation removes that limitation.

Mr. Bales expressed confidence that the people of Ontario would welcome these further steps to uphold the dignity and rights of the citizen, and would take pride in the fact that Ontario now stands in the forefront of human rights legislation in the western world.

In welcoming the amendments, Commission Director Daniel G. Hill said they would make it possible for a larger number of individuals in the lower income brackets who are unable to afford apartments in more expensive buildings previously covered by the Human Rights Code, their first opportunity to obtain formal protection from landlords renting facilities in less commodious premises. "Equally encouraging", Dr. Hill said, "is the coverage which will now be extended to the occupancy of houses."

"The Human Rights Commission has had a number of cases involving members of minority groups who have faced great difficulty in renting or finding ac-

commodation within single houses," Dr. Hill continued.

The Director also welcomed the amendments dealing with employment. "This may lead to a substantially sharp increase in our overall case load" said Dr. Hill "but we are confident the Commission will receive strong support at the Community level in its effort to ensure equality of opportunity for all our people regardless of race, color or nationality."

Judge Anderson Reports On Wage Discrimination

JUDGE J. C. ANDERSON OF BELLEVILLE has completed an Inquiry into complaints filed by female employees at the Ontario Hospital at North Bay and the Childrens' Psychiatric Institute at Byron. They had alleged that they were paid at a rate below that of male employees doing the same work in both institutions. The judge delivered his forty page report to the Ontario Human Rights Commission.

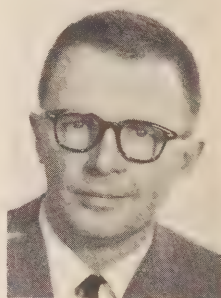
In the case of Byron, Judge Anderson found that the work performed by the women exactly corresponded in all details with the work performed by male attendants in that hospital and should, therefore, receive the same rate of pay as male employees "doing the same work in the same establishment."

In dealing with the complaints of the women from the North Bay hospital, Judge Anderson found that the complainants were not, in fact, doing the same work as the male attendants, and noted that they did not clearly allege a breach of the present statute. He expressed the view that the wording of the Statute is not as clear as it might be, and that if it contained the same language as that used in the statutes of other provinces and states, the result of his inquiry might have been different.

In concluding his report, Judge Anderson recommended that the Human Rights Commission transmit his finding to the Civil Service Commission in order to bring about a new classification which would include hospital aides and attendants doing the same work in a new salary structure and thereby overcome the present discrimination.

Staff Appointment

DR. LOUIS FINE, CHAIRMAN OF THE Ontario Human Rights Commission announced the appointment of Arni Arnason as Human Rights Officer. He becomes the seventh full time member of the Commission's staff.



A. Arnason

Mr. Arnason will be responsible for the administration of The Age Discrimination Act of 1966, as well as counselling duties and conciliatory case work. The Act prohibits discrimination le-

islation, which came into effect in June 1966, prohibits discrimination in employment against persons between 40 and 60 years of age.

The Act is designed to prevent discrimination in hiring and treatment of employees, and to prohibit discriminatory treatment in connection with membership in a trade union.

Mr. Arnason brings a broad background of experience to his new position. He studied Social Sciences and Social Welfare at the Universities of Manitoba and British Columbia, and attended many courses as both a student and instructor in the fields of human relations, community leadership and inter-group relations. He also taught for six years at the junior high school level.

From 1957 to 1959, Mr. Arnason was executive director of the Vancouver Civil Liberties Association, and worked closely with the Vancouver Labour Commission on Human Rights. His agency was instrumental in the passage of the Vancouver City by-law on Fair Accommodation Practices.

Mr. Arnason was a Regional liaison officer with the Citizenship Branch of the Federal Department of Secretary of State from 1959 to 1966, in both Saskatchewan and Sudbury. His duties with the Branch involved work with the Indian population, and he established working liaison between municipal organizations and adjoining reserve communities.

Much of his effort has been directed towards helping the community understand the variety of backgrounds and cultures and the healthy and stimulating, with each group gaining from living with others.



Justice Bora Laskin



Dr. Sadie Alexander



Bonham Carter



Kenneth A. MacDonald



Kalmen Kaplansky



Burton Gordin

The delegates will represent some thirty-two provincial and state human rights commissions, over one hundred municipal commissions, and representatives of federal human rights agencies. A number of representatives from Great Britain will also be present.

The theme of the conference is "Human Rights Agencies and Alienated Communities". Major papers will be presented by Dr. Sadie Alexander, Chairman, Philadelphia Commission on Human Relations; Burton Gordin, Executive Director, Michigan Civil Rights Commission; and Kenneth A. MacDonald, Chairman, Washington State Board Against Discrimination. Canadian perspective will be provided in the workshops by the participation of resource persons from Canadian human rights agencies, ethnic groups and community organizations.

Representatives from Great Britain

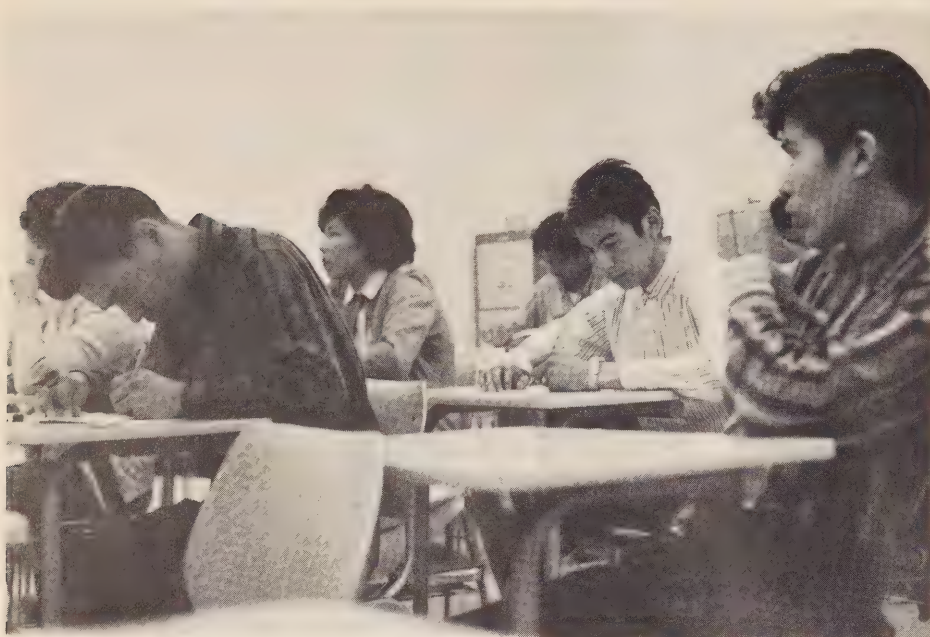
The Chairman of the United Kingdom Race Relations Board, Mark Bonham Carter, a well-known international figure in the human rights field, will deliver a major address on the problems currently being faced in Great Britain in relation to one million immigrants from India, Pakistan and the West Indies. It is expected that the British delegation will also include Sir James Mackay, Deputy Under Secretary of State; Miss Joan Lester, M.P.; J. T. A. Howard-Drake of the Home Office; and John Lyttle, Chief Conciliation Officer of the Race Relations Board. The National Committee for Commonwealth Immigrants, chaired by the Archbishop of Canterbury, have also indicated that they will be represented at the conference.

Addresses will also be given by Kalmen Kaplansky, Director, International Labour Organization (Canada Branch); and Walter Currie, Chairman, Committee on Education, Indian-Eskimo Association of Canada. The conference summary at the final luncheon will be given by Dr. Louis Fine, Chairman of the Ontario Human Rights Commission.

A highlight of the conference will be the official banquet on Thursday, July 6th, which will be chaired by the Honourable Dalton Bales, Q.C., Ontario Minister of Labour. The speaker on this occasion will be the Honourable Mr. Justice Bora Laskin, Court of Appeal of Ontario. The banquet will be open to the public. Invitations will be sent out to community leaders and persons on the Commission's mailing list later in the spring, and it is hoped that a large number of people will take advantage of this opportunity to hear Mr. Justice Laskin and meet the conference delegates.

Conference on Human Rights Opens in Toronto July 4th

OVER ONE HUNDRED DELEGATES FROM ACROSS THE CONTINENT ARE EXPECTED to attend the 19th Annual Conference of Commissions for Human Rights which will take place at the Royal York Hotel, Toronto, from July 4 to 8, 1967, with the Ontario Human Rights Commission acting as host. The purpose of the conference is to enable commissioners and administrators of human rights agencies with enforceable legislation at the municipal, provincial and state, and federal levels to come together to discuss matters of mutual concern in relation to human rights.



Indian students take upgrading courses at Port Arthur's Adult Training Centre.

The Indians were here FIRST Treat them as 'Citizens Plus'

by G. E. MORTIMER*

CANADA SHOULD SPEND HUNDREDS OF MILLIONS OF DOLLARS A YEAR TO HELP its 210,000 Indians lift themselves from poverty.

But the Indians themselves must decide how they want to live: as wilderness men, or as hard-driving money-earners in the city, or somewhere between.

And Canada must respect the special rights of the country's first citizens.

These are the main points in a 200,000-word, 404-page report on Indian affairs compiled by a research team of 40 social scientists under the direction of Dr. Harry B. Hawthorn of the University of British Columbia and Dr. Marc-Adelard Tremblay of Laval University.

The report, officially named *A Survey of the Contemporary Indians of Canada, Part One*, was more than 2½ years in the making. It covers economic, political and educational needs and policies. The second part, dealing with issues in education and with internal organization on the reserves, will be published in a few months' time.

The survey of a cross-section sample of 35,683 Indians in 35 of Canada's 551 bands, showed Indians lagging far behind the general Canadian standard of living.

*Mr. Mortimer is a reporter for the *Globe and Mail* (Toronto) and has made a special study of Indian Affairs.

The sample included poor bands in lonely places, relatively well-off groups and socially disorganized bands leading stagnant, dependent lives.

Although there are Indian doctors, lawyers, engineers, teachers, businessmen and many workers earning good wages, the majority of Indians are poor.

In the Hawthorn-Tremblay sample, earnings were \$300 a year for each person, compared to a Canadian average of \$1,400. Only 11½ per cent of the households had incomes above \$4,000; more than one third were on relief; 61 per cent of wage earners were employed fewer than six months of the year. Only 14 per cent held skilled jobs. A big percentage of the people were imprisoned in poorly paid seasonal jobs, prevented from moving to better-paid work by lack of education, lack of vocational skills, fear, apathy, self-doubt, racial prejudice and physical isolation.

Half of them worked in the resource-based industries of forestry, fishing, trapping, guiding, food gathering and handicrafts.

In many segments of these industries, job openings are diminishing, mechanization is on the increase and people who lack education and capital — including Indians — are being squeezed out. In

many areas natural resources are dwindling under the pressure of increased use. Industries are moving into Indians' hunting grounds to dig ore, cut trees and flood river valleys. But they hire few Indians.

What should be done? Educate and train the Indians for jobs; help them move to job markets if they want to go; try to break down prejudice and create understanding; spend money on resource development for Indians who want to stay at home. Improve housing and public services; build local government and commerce where possible; encourage co-operation between Indians and non-Indians.

Provincial governments should help in development, or run development programs, if they are willing and able. Unfortunately, few provinces are willing. The federal government should push development programs when provinces hold back.

Ontario has pioneered in offering Indians full civil rights and in seeking partnership with Ottawa to extend provincial welfare and development services to Indians. Yet the province has not so far been able to work substantial changes in the lives of thousands of Indians who live in shantytowns and rural slums.

Indians should be full citizens of each province, and should move under provincial jurisdiction for welfare purposes; yet they should not lose anything by the transfer. The quality of the services they get should go up, not down. Every change should win the Indians' full consent before it is made.

"The main emphasis in economic development should be on education, vocational training and techniques of mobility to enable Indians to take employment in wage and salaried jobs. Development of locally available resources should be viewed as playing a secondary role for those who do not choose to seek outside employment.

"Special facilities will be needed to ease the process of social adjustment as the tempo of off-reserve movement increases. Where possible these should be provided by agencies other than the Indian Affairs Branch. However, if other agencies prove inadequate, either due to incapacity or unwillingness, the Indian Affairs Branch must step in itself regardless of whether the situations requiring special attention are on or off the reserve."

For the Indians who want to stay in the wilderness and in rural places, there still will be trapping, hunting, fishing, guiding, logging and farm work to do.

The Hawthorn-Tremblay Report suggests help in developing the home areas: machinery, money and training to help



Instructor helps guide prepare meals, Guide Training Course, Quetico Conference and Training Centre, Quetico Park, Eva Lake, Ontario.

the Indians become more efficient producers of furs and fish. Traps, boats, outboard motors, snowmobiles and other gear should be provided at low rates by loan, rental or purchase.

Travelling instructors should help Indians improve their work.

"More efficient and economical storage, processing, transport and marketing facilities should be provided . . . either by government agencies or by private enterprise under strict control on a public utility basis."

In northern communities there is little specialization of labor. Most of the people hunt, trap or fish — or go on relief. They are increasingly dependent on power equipment. When a machine breaks down, the owner tries to do an amateur repair job. He orders the parts from the south individually, at high cost.

He fumbles the job, he may abandon the machine or ship it away for repairs, at more expense.

How much better it would be, the report suggests, to train local mechanics to do the work, and lend them money to stock spare parts. There probably are openings for Indian-owned stores, cafes, gas stations and other businesses, too. Money and training should be provided to help Indians launch such enterprises.

"The Indian Affairs Branch should act as a national conscience to see that social and economic equality is achieved between Indians and whites. This role includes the persistent advocacy of Indian needs, the persistent exposure of shortcomings in the governmental treatment that Indians receive, and persistent removal of ethnic tensions between Indians and whites.

"Indians should be regarded as 'citizens plus'; in addition to the normal rights and duties of citizenship, Indians possess certain additional rights as charter members of the Canadian community."

These rights include the taking of fish and game at times and places forbidden to other Canadians; and freedom from taxation on the reserve.

Indian rights were established by treaty, statute and usage.

"They relate ultimately to the fact that the Indians were here first; that a series of bargains were made by the ancestors of the present generation of Indians and whites by which the latter were allowed to develop peacefully the northern half of a richly endowed domain, in compensation for which the original possessors, however their title may be classified by anthropologists or lawyers, were accorded a special status, partially contained in the treaties and partially sanctioned by the Indian Act."

The Hawthorn-Tremblay Report does not explore all these rights in detail. It leaves compensation for past injustices to Canada's proposed Indian Claims Commission. It leaves the question of breaches of fish and game rights to a federal investigating committee.

But it endorses the principle of special Indian status.

In a 1958 report on the Indians of British Columbia, Dr. Hawthorn and his colleagues, Dr. C. S. Belshaw and Dr. S. M. Jamieson, warned that Indian lands and fish and game rights are linked to deep feelings on the Indians' part; they have a symbolic value beyond dollars and cents. Violation of those rights would

stir up so much resentment that it would kill any hope of Indian co-operation in social and economic development programs. Stripping the Indians of their reserves would be not only a breach of trust but a guarantee of failure.

Unfortunately, the Indians' special position has been used in the past as a justification for substandard services in welfare, education and other fields. In theory the Indians have been citizens plus. In practice they have been citizens minus.

The task now is to raise the Indians' level without taking anything away from them.

Thousands of Indians live in remote places; but thousands more live in or near cities. They include a few well-to-do middle-class people, many former wilderness-dwellers who have drifted into town and lodged in the slums, and resident Indian bands that have watched cities grow up near their reserves.

Some of the poorest groups are within sight and sound of big towns or industrial plants. Pushed and harried by violent social change, short of education and job skills, reduced to a dependent state of mind by generations of low-budget paternalism, many Indians are too discouraged or too indifferent to seize money-making chances.

Many are not interested in the white man's clock-punching, competitive world. They live by their own rules: share with neighbors and relatives; work by the rhythm of tides and seasons; work hard for a time; then take it easy for a time; work outdoors when possible at tough, adventurous jobs; be your own boss if you can.

Indians must be allowed to choose their own way of life. Canada's responsibility is to increase the number of choices that are open to them. At present, many Indians are trapped in the narrow world of poverty.

In the Walpole Island (Ontario) band, one of the richest groups (financially) in the Hawthorn-Tremblay sample, income per person was \$715 a year. Fewer than four per cent of children over the age of 16 were in school; only 3.6 per cent of the people had been educated past Grade 9. The Pikangikum (Ontario) band, one of the poorer groups, had a per capita income of \$197; fewer than one per cent of children over 16 were in school; not one person had gone past Grade 9.

"Even where Indians have the necessary educational or skill qualifications for employment, they face widespread discrimination from potential fellow workers as well as from employers. Many firms follow a definite policy (informally or unofficially, where such policies are il-

legal in terms of provincial legislation) of refusing to hire Indians at all, or in token numbers at best."

This kind of discrimination results from stereotyped opinions—the tendency to see all Indians alike as shiftless, unreliable or drunken. The Indians sense this feeling. Sometimes it turns them bitter or hostile; so the stereotyped opinions come true and the prophecies of failure fulfill themselves.

"Whites also tend to have an unfavorable impression of Indians as residents or potential neighbors, and thus discriminate against them in the provision of housing and various services. Such discrimination may develop out of the habits of some Indians—standards of dress, personal hygiene, comportment, housing and household management, and child care."

Indians often are frozen out of small towns and company towns — the very places where some of them might be able to work most comfortably in resource-based industries and at the same time preserve their links with home, go hunting, fishing or guiding in spare time and serve as models of white-man's-style prosperity for the people at home.

Indians encounter less prejudice in big cosmopolitan cities; but the problem there is loneliness. Migrants need friendship; they sometimes need counseling and help in settling down and learning city ways. Disorganized, troubled people need social welfare aid in patching up their lives.

Certain Indian bands own valuable property. If they want to leave it undeveloped, and shut out cash registers and neon signs—they must have their way. Some things are more important than money. If they want to start their own businesses, they should get capital and technical help. If they want to lease some of their land to commercial tenants, they should get help in doing that, too. Tenants who offer adequate training plans and jobs for Indians should get priority. In the past, some lands have been leased without providing a single Indian job.

Some Indians — traditionally less assertive and less individually aggressive, and used to being ordered around by dictatorial officials or merchants, are shy about standing up for their rights.

Some Indians, particularly in Alberta and Saskatchewan, work as migrant field hands in poor conditions. "Rates of pay are far below standards applying in other industries. . . . Housing and other facilities are seriously substandard. . . . The Indians earn barely enough to live on while working, and generally end the season as destitute as they began and have to go on relief."

The Indian Affairs Branch for most of its history has been an isolated, orphan, caretaker agency, acting as trustee for Indian lands and money. It has had little energy or money to spare for development. Other agencies of Government—federal and provincial—have ignored or by-passed it. As a result, Indians failed to receive many of the provincial and federal benefits that other Canadians received.

Since World War 2, its standards have gone up. There has been better communication with other federal and provincial agencies, and as a result there have been more benefits for Indians. There has been more stress on education and economic development; more encouragement to Indians to run their own affairs.

The official policy is to encourage independence; but in practice the system still is paternalism.

The superintendent of each Indian agency is still the boss. He is overworked and understaffed. He has to dispense benefits and services, toil over paperwork, deal with priests, storekeepers, nurses, teachers and policemen. Indian superintendents vary in ability; but all of them are so busy that they are compelled to be authoritarian managers; they haven't time to do a democratic, educative job.

They possess power to hand out relief money under circumstances reminiscent of Elizabethan Poor Laws. Too often in the past they have been stingy and autocratic. As the provinces assume more responsibility and as local self-government advances, the superintendents should yield up their power. They should become advisors rather than managers. Unfortunately most provinces (Ontario is an exception) have balked at taking over welfare.

The Branch in many places has supplied sizeable amounts of capital and technical aid. "Its efforts have frequently been frustrated by Indian apathy, suspicion and non-co-operation, and by internal conflicts within the Branch which such new experiments have tended to generate."

Much of the Branch's economic development work has been haphazard, unco-ordinated and unplanned.

The money spent on Indians as a whole—and on economic development in particular—is inadequate. In the 1964 Indian Affairs Branch Budget of \$62 million, \$30 million went for education, \$20 million for welfare—but only \$1.5 million for economic development—\$7 for each Indian. Economists estimate that it takes an investment of \$10,000 to make one job.

Provinces control most of the resources

that the Indians need; but the provincial governments do too little to help. "They should assume prior responsibility for the social and economic costs that are a direct by-product of (resource) development, such as depletion or spoilage of resources on which Indians depend for their livelihood . . . and influxes of population that cause social disorganization. . . ."

Too often, provinces take the revenue from development projects and dump the resulting problems on federal or local governments. Too often, federal and provincial governments and agencies snipe at one another and score points against one another. The report indicates that they must learn to be more diplomatic and statesmanlike.

Most whites live in settled areas. They benefit from investments of thousands of dollars per person in private and public facilities. Most Indians live in simple environments. Comparatively little has been spent on them. They have a long way to catch up. There is no cheap shortcut. Spending hundreds of millions of dollars a year is the only way.

Economic development of the Indians is merely one part of the war on poverty; but it must include provision for the Indians' special needs. Can the Indian Affairs Branch, with all its faults, be reorganized to do the job? The authors of the report believe it can; they say the Branch is the only agency ready and able to do such work. Some members of the Indian-Eskimo Association of Canada disagree; they say the Indian Affairs Branch is too rigid, ponderous and bureaucratic; it should dwindle to a small trustee agency charged with looking after Indian lands. Development should pass to a series of nearly autonomous regional corporations.

There may be room for compromise. The Indian Affairs Branch itself is trying to decentralize. Its critics acknowledge that there should be a central co-ordinating and resource-supplying body. Perhaps the Branch could hand over some of its development work to regional authorities, while keeping control of the departments that need central direction.

Two new agencies are proposed by the Hawthorn-Tremblay team; an Indian Progress Agency to keep track of Indian well-being, and report to the nation; and a Local Government Bureau within the Branch to help Indians learn administrative skills and get the advantages of local self-government without sacrificing the rights they hold as Indians. These agencies might well gain the approval both of the Branch and the Indian-Eskimo Association.

Full and Equal Citizenship" A Challenge to Canadians *

ROBERT WELCH

THE PROBLEM OF RECONCILING UNITY WITH DIVERSITY—IS AS OLD AS HISTORY. The great Pre-Socratic thinker, Parmenides, agonized over this question about 2,500 hundred years ago, and since his day a great many philosophers, both amateur and professional, have addressed themselves to this problem.



Does it admit of a successful solution?
On the face of it, pluralism — which means *more than one in some kind of unity* — is simple enough. From a purely theoretical point of view the problem reduces itself to a question of harmonizing the multifarious components.

But in actual practice, the problem comes far more difficult.

The ancient Greeks, who developed a great civilization, were not capable—even with the most elaborate democratic machinery—to insure equality and harmony between the various groups in their state . . . Neither were the ancient Romans. Indeed, very few nations have ever been markedly successful in this particular undertaking.

Can we, in 20th century Canada, bring to this problem a generosity of spirit and wisdom of mind which seems to have eluded our forebears? I put this question to you with some passion because the need for resolute action in this matter is most at hand.

We live in an age dedicated to the cult of efficiency. We are approaching, I think, that state in human history which one well known writer has called *the Organization Man*. Attempts are being made to subject everything, both mechanical and human, to the assembly line process.

Governments, in order to conduct their vast undertakings become ever more centralized. Large corporations are forced to impose uniformity not only on natural resources but on human resources as well.

Expediency — the half sister of efficiency—becomes the criteria for the suc-

cess or failure of all undertakings.

This is the high price we pay for our amenities.

Against this mechanical spectre, democracy has one great resource. Individuals may appear to be powerless in the face of giant organizations but there is nothing to prevent them from forming groups which express their collective ideals. Pluralism then is democracy's answer to the modern forces of dehumanization.

Pluralism operates on various levels. It exists on a universal scale in the United Nations organization where one encounters blocs of nations based on geography, color, political philosophy, and history.

Pluralism is also to be found on an economic level in the formation of trade unions and associations of employers. Harmony between these organizations is essential to the economic life of any country.

Pluralism has a political basis — one manifestation of which is to be found in the Canadian Senate where every province is given regional representation regardless of its population. Co-operation between these provinces and the federal government is a necessary condition of this country's existence.

Pluralism is a vast concept which includes within its scope a great number of facets. I therefore limit myself to one aspect of this great subject, an aspect which I view with particular urgency—*Ethnic Pluralism*.

By Ethnic pluralism I mean the co-existence of groups whose cultures, in some respects, differ significantly from one another. The word "cultures" includes all of us. Canadians will appreciate this concept better than most people.

We live under a confederal system of government in which ten provinces and two territories collectively constitute the Dominion of Canada.

There is one common government — Ottawa — but each of our provinces is provided with its own vehicle for self-expression.

They represent the needs and inspirations of a given geographical area.

But pluralism in Canada cannot be measured in purely geographical terms.

This country was born a twin-Siamese if you like — one half French and the other English. Our cultural life has been *pluralistic* for as long as we have existed. History has destined us, as it has few nations, to have multiplicity in unity.

Is there anything prophetic in this?

I am not a Seer, but it would seem to me that if this country has entered into a compact which encompasses more than one culture, then it is our duty to insure that this trust is never broken.

The nature of this responsibility should be clear to all Canadians, especially to those of us who live in Ontario. Back in 1943, this province had a population of only four million — today it has more than seven million. A large proportion of this increase consists of newcomers who have immigrated from countries which are by custom, language, and tradition quite unlike our own. It has been estimated that 50% of all newcomers to Canada settle in Ontario.

We are, all of us, charged with the responsibility of insuring that every person who settles in Ontario may avail himself or herself of the rights and privileges normally associated with citizenship. The obligations of the Ministry I represent are clearly spelled out in the Act which established this department;

"The Minister shall . . . in the cause of human betterment, advance and encourage the concept and ideal of full and equal citizenship among the residents of Ontario in order that all may exercise effectively the rights, powers and privileges and fulfil the obligations, duties and liabilities of citizens of Canada within the province of Ontario."

How are we to insure "full and equal citizenship"?

The problem is particularly challenging in our country because from the very beginning we have rejected the "melting pot" theory of national assimilation. That concept, which presumes to make all people similar from a cultural perspective, would lend itself, for obvious reasons, to the idea of "full and similar but not necessarily" equal citizenship for all.

But we in Canada are committed to the harmonious integration of various cultural and Ethnic entities. This is a far more difficult proposition . . . This is Ethnic pluralism.

People who come to our country may very well look upon themselves as Canadians, but quite often they are reluctant, and justifiably so, to forget or abandon

Partial text of an address by the Honourable Robert Welch, Provincial Secretary and Minister of Citizenship to the Ontario Separate Schools Trustees Association, Royal York Hotel, March 30, 1967.

the customs and the traditions of the homeland.

Politically and economically, Canada has achieved a high degree of centralization and unity. But from the point of view of language, custom, and culture we are as diverse and varied as we are large.

Is there something reprehensible in this?

Occasionally one hears objections to the effect that "foreigners" should speak either French or English in public places and leave their native language for intimate discussions held in the home. But we have no laws in Canada which proscribe the use of foreign languages. In fact, our courts and government departments make every effort to accommodate those individuals who speak neither of our mother tongues.

The department I represent has made every effort to provide newcomers to our community with opportunities to learn the English language.

But we do not, at the same time, attempt to eradicate the old language, or the old customs, or the old traditions . . . We do not attempt to assimilate newcomers; we attempt to provide for their harmonious integration within our society.

It is sometimes alleged that immigrants to Ontario do not encounter any persuasive reasons for modifying their original habits — that even after they have come to Canada they go on living in the old manner. Critics who advance this argument would even sometimes violate democracy and have the government compell the newcomer to become one of "us".

It must be borne in mind that there are many forces which have a levelling effect on immigrants who come to Ontario. Some of these forces are economic, some are social, some are obvious and others are invisible.

The old world father with patriarchal tendencies that were appropriate in his original culture, soon discovers that the unquestioning authority he wields over his family begins to erode under the more liberal Canadian influence.

The maintenance of a sophisticated industrial economy requires that people adopt new attitudes to life—an orientation to the future and all this implies — emphasis on adjustment to change, equalization of sexes, centralization of power, commitment to a large organization . . .

Do working conditions in Toronto permit a newcomer from Spain to take a two-hour *siesta* after lunch every day?

I put these facts to you in order to counter those who argue that immigrants

to Ontario simply go on living in their old style. Almost all of our newcomers find it necessary to adopt new habits and attitudes . . . often with no little trauma involved!

But at the same time, we realize that the high value so many newcomers attach to their original culture must be respected.

In Ontario, where some 73 different languages are spoken and where 30 Ethnic newspapers are widely circulated there is compelling proof of the fact that newcomers in our society can derive benefit from the old culture and the new.

These people who have elected to become part of the Canadian Community have the right of association, a right which is the coping stone of every democratic society. As representatives of our separate schools you will appreciate the fact that the principle of free association is a necessary condition for the democratic society.

In this way democracy and pluralism complement one another.

More attention should be paid in our schools to social history — to the East European background of many Western settlers and how this background helped shape the Prairies.

The special roles of the Icelanders in developing Manitoba, of the Metis in pioneering North Saskatchewan should be more extensively studied.

More attention should be paid to reality in Canadian history. There is evidence to suggest that most of us are unaware of the epic role played by Indians during our Frontier period.

The name of Laura Secord is familiar to all of us and instantly calls to mind that faithful animal who accompanied her through the battle lines in the War of 1812. But how familiar are we with the names of those great Iroquois Chiefs who helped preserve the Niagara frontier for Canada?

In conclusion may I stress that from the very beginning of Canada's history religious and cultural differences have been recognized as one of the primary and major forces behind variety in our education.

This variety has worked out in practice into a kind of majority minority system which is characteristic of our country as a whole . . . and all of us, I would remind you, belong to a minority in either one way or another.

The future of pluralism in any democratic society depends on these two forces — on the ability of the minority group to reconcile the individual and the common good; and on the ability of the majority to check its natural tendency toward unanimity.



The Meaning of Canada *

INSTINCTIVELY—CANADIANS PERFORM ALL their important actions by instinct—our recent history, focused on the revolt of the provinces from centralized control, suggests that we are at least going to try to save ourselves from being processed into a technological empire, to resist the tendency of power-states and centralizers to subordinate the needs of individual human beings to the convenience of a colossal IBM system.

That is why I refuse to use that glib word "unity" of Canada and would replace it with "harmony." The old motto "In unity is strength" once meant spiritual unity, but in the modern age it usually means what Hitler meant by it. I would say now that human survival and dignity, above all human happiness, depend upon the recognition of individual differences, and that the modern state which can contrive a framework and a mentality to combine the greatest possible variety of these is the best one to live in.

If Canadians can only realize this they will discover the meaning of their country. Canada is at once new and traditional, young at heart but mature in techniques. She has a chance of being a pilot plant for individual freedom in this weird modern world. . . .

To preserve . . . some form of individuality and variety to resist the mass-spirit which now is the prime cause of malaise — the simple truth is that we must try to do this or we will surely disintegrate and perish.

Our old division into two solitudes now seems to me to have been a blessing in disguise. It makes uniformity impossible in Canada. What lacked in the past was love and mutual respect. What must come in the future — it is coming now, as a matter of fact—is affection and understanding, together with the confidence that arrives when people accept who they are. And always, of course, there is the land itself, the magnificent land which is one of the supreme surviving prizes of the earth. Can it be that our perennial criticism of ourselves is caused by our fear that we can never be worthy of it?


—Hugh MacLennan

*From Century 1867-1967. Special Supplement, Toronto Daily Star, February 13, 1967.

Human Rights Year 1968 Program for Action

ARTHUR STINSON*

CENTENNIAL YEAR WINGS ENTHUSIASTICALLY ALONG CAN YOU TAKE TIME from celebrating to consider how best we can begin our second century? 1968, the 20th anniversary of the signing of the Universal Declaration of Human Rights, has been designated International Year for Human Rights. We are invited to use this occasion to examine our progress lack of it, in the various fields of human rights and to attempt to make a significant advance.



There actually are excellent reasons for Canadians to take a close look at our human rights situation now. The phenomenal growth of government has made obsolete our traditional protective devices against arbitrary authority. Our rapid urbanization and influx of great numbers of immigrants the last twenty years, mostly settling in the cities, has raised all sorts of questions about minority rights in housing, employment and social services. The old notion of collective or group rights has become a revolutionary doctrine since the Universal Declaration was signed. In an affluent society we have become conscious of those who don't participate and whose rights have been neglected. Aware, and perhaps fearful of the technological revolution, we know we need to re-think some of our concepts such as the right to work, leisure, culture and health in a new context.

In early April a hundred people from different parts of Canada conferred around this question at University of Montreal and came up with many ideas. Some of them are undoubtedly too vague or too impractical for much immediate headway. Yet a good many of the ideas are practical, within reach, requiring only the will to achieve them. The area which impressed me as having very real possibilities could be called inter-provincial borrowing. Various provinces have developed different areas of human rights. What seems quite possible for the provinces which have not as yet embarked on programs in these fields to take advantage of the pioneering already done and copy the best features of these programs.

The work of the Ontario Human Rights Commission attracted much in-

terest and favourable comment. Although other provinces may have similar anti-discrimination legislation for public accommodation and employment practices, none have an adequate plan or staff for education and enforcement.

Yet Ontario has no cause for complacency. There are lessons that Ontario can learn from other provinces. It was recommended, for example, that all provinces could learn from the experience of Quebec in its present study and overhaul of the whole body of law in the civil code and from the experience of Alberta in its new concept of human resources development.

Three provinces, Quebec, Manitoba and Alberta are in the process of establishing the office of an ombudsman. It was recommended that this institution be adopted by Ontario, all the other provinces and the Federal Government, so that we would have a complete system of recourse from administrative arbitrariness.

When the role of the Federal Government was examined, a whole range of needed reforms and initiatives were proposed. They divided quite naturally into two domains. The first had to do with matters completely within the federal field, such as Indian affairs, Immigration and the Criminal Law. The second area was the need of federal leadership by example, research, persuasion, grants and federal-provincial conferences in fields where jurisdiction is shared with the provinces.

1968 would be the appropriate year for both federal and provincial governments to give priority to a study of International Conventions which Canada has not yet ratified. This is a complex affair but experts at the Conference assured us that the chances were good if the will existed.

Human Rights Year would also be the appropriate time to re-examine the federal Bill of Rights; to study the extent to which it has been effectively utilized; to develop the human rights concepts in it

to include more modern ideas of group rights and language rights and to discuss with the provinces the possibility of entrenchment of a reformed Bill of Rights in our Constitution.

The Conference demonstrated once again a truism we all know. Governments will respond to pressure. If a popular climate of opinion can be created governments are quite willing to institute reforms. Although there are obviously many things any voluntary organization can attempt to do by itself or in collaboration with others, the main thing to strive for in 1968 is to create an informed public opinion insistent in its desire to achieve greater freedom and equality for all citizens in our society.

A most fascinating aspect of the Conference was the evidence, repeatedly demonstrated, that government agencies are willing to work with voluntary groups in a new relationship to bring about change. The Under Secretary of State put it this way: "The real ombudsman in our society at the present time is the voluntary organization which resolutely sets itself the task of educating itself and the public in its own sphere of interest and then not only moves government to action but helps government to implement policies and keeps governments informed of the results of its activities."

This new and productive partnership should continue as we go forward with the organizing job for 1968. Governments will be expected to help with money, with services, with talented personnel, with information. The voluntary organizations will be expected to use their machinery for communication with their constituents, provide leadership, ideas and idealism, create new programs and enthusiasm in their communities.

On the national level, the Canadian Commission, International Year for Human Rights, was established. The role of the Commission is to ensure continuity of effort, to act as a bureau for the exchange and communication of information, to stimulate governmental action on the federal, federal-provincial and inter-provincial levels, and stimulate voluntary action through national organizations.

A report of the Planning Conference will soon be available. A list of all organizations which have indicated their interest in participating up until now is being prepared. Three excellent speeches and a panel discussion heard at the Conference will be available later this spring. The Canadian Commission is beginning to take shape. This information can be obtained by writing the Canadian Citizenship Council, 237 Queen Street, Ottawa 4, Ontario.

*Mr. Stinson is Executive Director of the Canadian Citizenship Council.

Must Our Libraries Perpetuate Slanders Against Indians?

by MARCUS VAN STEEN*

IN THE MIDST OF GROWING DEMANDS FOR LEGISLATION AGAINST HATE literature, it appears that the only minority which may be slandered with impunity is the Canadian Indian. An instance is the recently published book *Bitter Body* by a Carleton University professor, Paul Friesen, published by Heinman's of Toronto and London, and stocked by most of the public libraries in the Metro area.



This book, in spite of its newness, panders to that old first-settler attitude that "the only good Indian is a dead Indian". The Indians in this book are always called "savages." They are portrayed consistently as inhuman monsters, lusting for the blood of white men.

The settlers are invariably brave and virtuous, fighting only for their homes. There is never any indication that the Indians, on their part, were fighting not only for the land of their birth but also for their lives.

The Indians in this book are the Six Nations, called throughout by the French name Iroquois, a slanderous epithet which means double dealers. Mr. Friesen makes much of the French hatred of the Iroquois, but appears unaware that it originated in an attack launched by Champlain and his soldiers against the Six Nations in 1615 — using firearms and other white man's weapons without reason or provocation against a people who up until that time had been prepared to accept the newcomers as friends.

They retaliated

The six Nations, naturally, retaliated, apparently much to the surprise of the French.

On the cover of *Bitter Body* it is claimed that Mr. Friesen did considerable research for his book. But it makes it clear that his research was confined to

the Jesuit Relations — a French account of the early days of New France.

This is like depending solely on Arab sources for an historic account of the founding of the state of Israel.

The trouble is that most people who read this book will not make allowances for its glaring inadequacies, but will accept it for what it professes to be — an historical narrative of the early settlers in Canada.

It is difficult to remember, while reading this incredible diatribe against the "savage Iroquois" that it was those people who formed the world's first League of Peace. The political structure of the League of the Six Nations was admirably suited to their needs, and was far ahead of anything existing in Europe at the time.

Fed by "Savages"

It was those "savages" who fed and sheltered the first white settlers at Quebec, Port Royal, New England and elsewhere, so that they survived their first winter in North America.

It was only when provoked that they sought to defend themselves, and if they hadn't they would without doubt have been exterminated as completely as the Beothuk Indians of Newfoundland, the Caribs of the Spanish Main and the other gentle people who failed to survive the brutality of the white man.

It is interesting, in view of the stories of "Indian massacres" resurrected in *Bitter Body*, to recall the many instances when women and children were carried off by the Indians and adopted as blood members of the tribe.

Such people seldom tried to "escape" from the "savages." On the contrary, many have left fascinating accounts of how they enjoyed the Indian way of life.

Mr. Friesen should read some of those accounts before he writes another book about Indians.

*Mr. Van Steen is a Toronto writer who specializes in early Canadian history. His latest book is Pauline Johnson: Her Life and Work. He is now working on a biography of Governor Simcoe. This article appeared in the Telegram's feature column Dissent.

What is Progress?

PROGRESS IS THE MODE OF MAN. The general life of the human race is called Progress: the collective advance of the human race is called Progress. Progress marches; it makes the great human and terrestrial journey toward the celestial and the divine; it has its halts where it rallies the belated flock; it has its stations where it meditates, in sight of some splendid Canaan suddenly unveiling its horizon; it has its nights when it sleeps, and it is one of the bitter anxieties of the thinker to see the shadow upon the human soul, and to feel in the darkness progress asleep, without being able to waken it.

He who despairs is wrong. Progress infallibly awakens, and, in short, we might say that it advances even in sleep, for it has grown. When we see it standing again, we find it taller. To be always peaceful belongs to progress no more than to the river; raise no obstruction, cast in no rock; the obstacle makes water foam and humanity seethe. Hence troubles, but after these troubles, we recognize that there has been some ground gained. Until order, which is nothing more nor less than universal peace, be established, until harmony and unity reign, progress will have revolution for stations.

What then is progress? We have just said. The permanent life of the peoples

—Victor Hugo

For Ontario Women

A 16-PAGE BOOKLET TITLED *LAW AND THE WOMAN IN ONTARIO* will shortly be mailed to thousands of women across the province.

Published by the Women's Bureau of the Ontario Department of Labor, the booklet discusses subjects ranging from marriage of minors to adoption and minimum wage laws and is available to the public for 25 cents.

The publication is the first to be printed by a women's bureau of labor in Canada and is one of the major projects of the Ontario bureau which was formed in 1963.

Other subjects covered are women's rights in marriage, separation, divorce, property sale, maintenance of children and inheritance, and labor laws on minimum wages, equal pay, maternity leave and hours of work.

The author is Jo-Ann Poglitsch, a 26-year-old graduate in industrial labor relations at Cornell University.

Discrimination
in Apartment Buildings

IC



Equal Employment
Opportunity

THE ONTARIO
HUMAN RIGHTS
CODE 1966

THE AGE
DISCRIMINATION
ACT 1966

YOUR RIGHTS
ARE PROTECTED

OS SEUS
DIREITOS
ESTÃO
PROTEGIDOS

UWE RECHTEN
ZIJN
BESCHERMD

VOS DROITS
SONT
PROTÉGÉS

A TORVÉNY
MINDANNYUNK
JOGAIT
EGYFORMÁN VÉDI

VAŠA PRAVA
SU
ZASTIČENA

LES DROITS
DE L'HOMME

TA DOKUMENTA
LIS
PROZETATEVONTAI

THRE RECHTE
SIND
GESCHÜTZT

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

THE ONTARIO HUMAN RIGHTS CODE

IT IS PUBLIC POLICY IN ONTARIO THAT EVERY PERSON IS FREE AND EQUAL IN DIGNITY AND RIGHTS. THE LAWS OF OUR PROVINCE, THEREFORE, PROHIBIT DISCRIMINATION IN PUBLIC ACCOMMODATION AND SERVICES, EMPLOYMENT AND HOUSING, ON GROUNDS OF RACE, CREED, COLOUR, ANCESTRY, NATIONALITY, OR PLACE OF ORIGIN. THIS ESTABLISHMENT KEEPS ITS ACCOMMODATION AND SERVICE PRACTICES ON THE SPIRIT OF THE ONTARIO HUMAN RIGHTS ACT. WE CALL UPON OUR OWN CITIZENS WHOSE WE WILLINGLY "O'DER PROVINCE" FROM OTHER HANDS TO GIVE THE THEIR WHOLEHEARTED TO GREAT LARGING OUT OF THAT POLICY.

HUMAN RIGHTS



LES DROITS
DE L'HOMME

TA DOKUMENTA
LIS
PROZETATEVONTAI

A TORVÉNY
MINDANNYUNK
JOGAIT
EGYFORMÁN VÉDI

VAŠA PRAVA
SU
ZASTIČENA

LES DROITS
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

LA DROITE
DE L'HOMME

Law Calls For Justice

J. C. McRuer, LL.D.

LAW CALLS FOR JUSTICE

Text of a memorable address by Honourable J. C. McRuer, LL.D., to the Commission of Judicial Administration, American Bar Association.

THE AGE DISCRIMINATION ACT 1966

8 page pamphlet containing the full text of the Age Discrimination Act passed by the 1966 Session of the Legislature. Available in English and French.

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres, etc. Available in English and French.

YOUR RIGHTS ARE PROTECTED

Brochure outlining in brief the program of the Commission and the role of the public in helping to promote human rights in Ontario. Useful for widespread distribution. In addition to the English edition, this is now available in ten other languages: Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese and Ukrainian.

HUMAN RIGHTS IN ONTARIO

New pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

SERVING THE PUBLIC

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices.

ONTARIO HUMAN RIGHTS CODE (as amended 1965)

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario. Available in English and French.

GUIDE FOR EMPLOYERS

A brochure outlining the fair employment provisions of the Code. Includes a chart listing the questions which may and may not be asked of prospective employees on employment application forms and during job interviews. Available in English, French and Italian.

DISCRIMINATION IN APARTMENT BUILDINGS

Reprint of an article by Daniel G. Hill, Director of the Commission, which appeared in the publication, *Building Management*.

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name, and those of any of your friends, to our permanent mailing list.

Address all requests to:

Ontario Human Rights Commission
74 Victoria Street, Toronto, Ontario

TRANSLATIONS FRANCAISES

On peut obtenir sans frais les publications énumérées ci-dessous, en s'adressant à la Commission ontarienne des droits de l'homme, 74, rue Victoria, Toronto, Ontario. Tel. 365-4218.

Loi de 1966 sur les disparités de traitement fondées sur l'âge

Une brochure de 8 pages contenant le texte intégral de la Loi de 1966 sur les disparités de traitement fondées sur l'âge passée au cours de la Session de l'Assemblée Législative de 1966.

Le Code ontarien des droits de l'homme

Une brochure de 16 pages contenant le texte intégral du Code et une courte préface du premier ministre d'Ontario, l'honorable John P. Robarts.

Parchemin enjolivé reproduisant le Code ontarien des droits de l'homme

Le texte du Code est reproduit sur un parchemin enjolivé de deux couleurs, avec bordure dorée prêt pour encadrement. Peut être affiché dans les immeubles publics, les églises, les écoles, les bureaux, les hôtels, etc.

Les droits de l'homme en Ontario

Une brochure donnant un aperçu général des dispositions du Code et renfermant des renseignements sur l'activité de la Commission et du rôle que le public peut jouer pour la sauvegarde des droits de l'homme en Ontario.

COMMISSION ROUNDUP

by H. A. SOHN

EMPLOYMENT DISCRIMINATION LEADS AS THE LARGEST CATEGORY OF FORMAL complaint cases handled by the Commission. The general case load has consistently increased in recent years and employment cases have risen during the same period at an equally steady rate. Fifteen formal complaints under employment and based on race, creed, or nationality were investigated during 1962-63. The total number of formal cases for the same period is 45.



H. A. Sohn

The following year, 59 employment cases were recorded out of a total of 94 formal complaints. In the 1964-65 fiscal year, these numbers rose to 88 and 122 respectively. In addition, during that year, 13 complaints were received from women alleging that they were paid at a rate of pay less than that paid to fellow male employees doing the same work.

During the 1965-66 period, 113 employment cases formed the bulk of the total of 166 formal complaints. Twelve equal pay complaints were received from women during that year. In the most recent fiscal year, 1966-67, the Commission dealt with 144 employment cases related to race, creed or ethnicity and 89 equal pay cases out of a total of 329 formal complaints.

The Age Discrimination Act was introduced in July of 1966 and 25 cases were handled in this category from that date until the end of March, 1967. In these instances, the complainants alleged that they were discriminated against in employment or refused employment because of age.

The reasons for this consistent rise have not been definitely assessed. It would appear, however, that a major factor is related to increased public awareness of the Ontario Human Rights Code, the Age Discrimination Act and the work of the Ontario Human Commission in implementing this legislation.

Complainants are often referred by friends and community organizations which have had dealings with the Commission. In addition, it is interesting to note that in some instances, individuals and firms which have been respondents in complaint cases, and therefore have been the subjects of an investigation by the Commission, have subsequently referred employees and friends to the Commission for assistance.

WHO COMPLAINS

A review of the ethnic make-up of the complainants in employment cases reveals that Negro complainants account for approximately 49% of the cases involving employment discrimination. Newcomers from central, southern and eastern Europe account for approximately 20%; Jews, 14%; Asians, 8%; and the remaining approximately 9% is made up of various religious and ethnic groups, including French-Canadians, North American Indians, newcomers from England, Ireland and the United States.

A review of some of the complaints received will indicate their diversity:

Negro licensed mechanic refused employment interview by automobile dealer; experienced Negro waitress denied employment by restaurant owner; University of Toronto graduate of Chinese ancestry hired as an executive trainee but not given opportunity for promotion by his supervisor in a large international firm; Jewish secretary refused employment by a well-known Toronto firm; Negro woman graduate, specializing in business machines, denied employment as trainee in data processing department of large firm; Jewish painter denied employment by paint contracting firm; English woman refused employment as switchboard operator because employer does not like English accents; licensed welder denied employment because of his Italian origin; licensed electrician dismissed from employment because of his French-Canadian origin; engineer from India refused employment; German assembly line worker dismissed from employment because of place of origin and nationality; temporary employees with warehouse firm denied permanent employment because they are over forty years of age; female employees in a meat processing plant paid at a rate of pay less than that paid to male employees working alongside of them, doing the same work.

DISPOSITION OF CASES

The Commission has successfully handled all but one of its cases without recourse to the courts. In five employment cases, public boards of inquiry were appointed by the Minister of Labour. In each of these instances, the board was instrumental in conciliating the case and securing compliance with the Code. The educational and conciliatory approach used by the Commission has often been used to advantage not only in settling a case but also in helping to change the policies of some employers.

The Commission has obtained the assistance of employers in some cases to ease the intergroup tensions among their employees. In one such case, a Negro employee of a large data processing firm was dismissed because he was involved in a fight with a fellow worker. An investigation revealed friction with racial overtones. The employer agreed to a solution whereby the Negro employee would be reinstated and an educational program conducted among the staff.

The Commission's agreement with APPAC (Association of Professional Placement Agencies and Consultants) an association of large private employment agencies in Toronto is an example of affirmative action to combat discriminatory hiring policies. Over 100 private employment agencies throughout the province have since signed similar agreements with the Commission.

The Amherstburg Mayor's Committee composed of white and Negro leaders of that community, has indicated another potentially fruitful avenue of affirmative action. As a direct result of the work of that committee and under the leadership of Mayor H. M. Smith, Negroes are being employed in companies and places in jobs where they have not been seen before.

HUMAN RELATIONS

Vol. 7 - June, 1967 - No. 15

Published by

Ontario Human Rights Commission

Hon. DALTON BALES, Q.C.

Minister of Labour

LOUIS FINE, LL.D., *Chairman*

THOMAS M. EBERLEE, *Secretary*

DANIEL G. HILL, *Director*

JOYCE APPLEBAUM,

GORDON GREENAWAY,

LITA-ROSE BETCHERMAN,

Members

Address all correspondence to:

Ontario Human Rights Commission,
74 Victoria St. ☎ 7 Toronto.

YEAR FOR HUMAN RIGHTS
1968

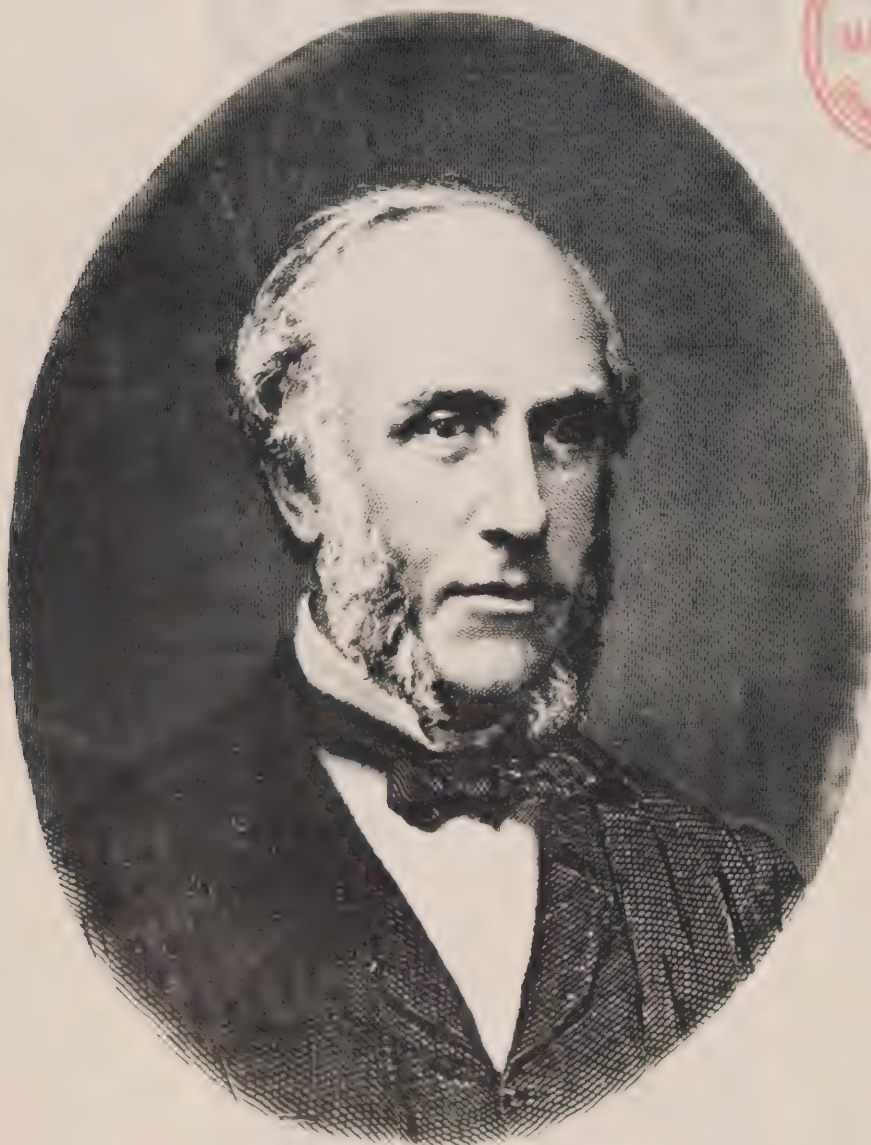
HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

8

March, 1968

No. 16



*Faith Jones
Geo Brown*

20N
2
85

THE COURAGEOUS CANADIAN

(page 4)

Citizen's Advisory Committee for Human Rights in Windsor



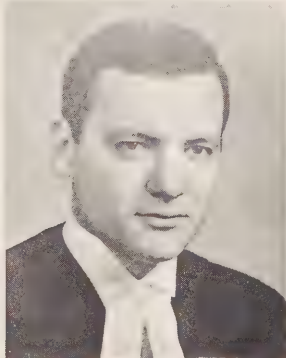
Mayor John Wheelton, Q.C.



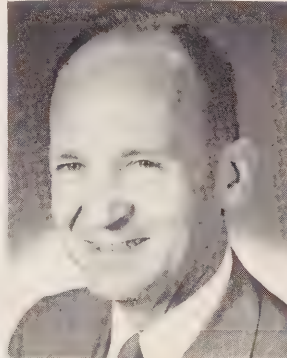
Mrs. Cameron H. Montrose



George G. Burt



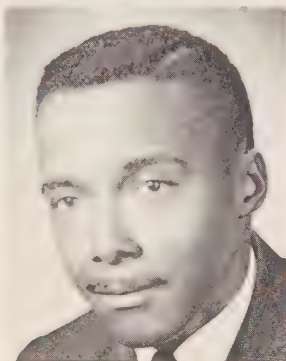
Armando F. Deluca



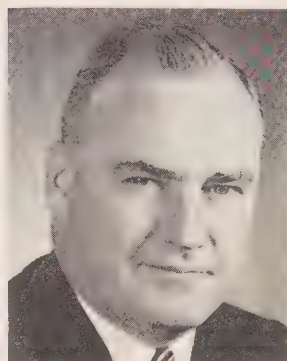
Charles V. Gordon



Valerie Kasurak



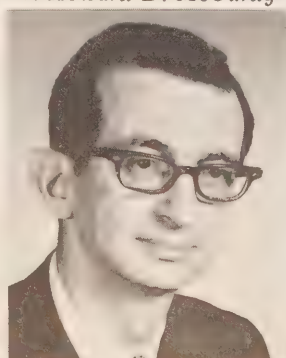
Dr. Howard D. McCurdy



John H. McGivney



Clare R. MacLeod



Saul Nosanchuk



Michael J. Marentette

A CITIZENS ADVISORY COMMITTEE TO THE Ontario Human Rights Commission has been established in Windsor as part of the City's participation in the observance of International Year for Human Rights. The main purpose of the Committee, the first of its kind in Ontario, will be to acquaint the minority and immigrant groups with the educational and training facilities available to them in the Windsor area and to give practical assistance in stimulating employment opportunities for them in co-operation with the Industrial and Business Community.

Windsor was the first Ontario City to establish a regional office of the Human Rights Commission. It has been functioning since 1965 under the direction of Michael Marentette.

The members of the Committee are:

HONORARY CHAIRMAN:

MAYOR JOHN WHEELTON, Q.C.

CHAIRMAN:

MRS. CAMERON H. MONTROSE—Member of Windsor City council for over 15 years (now retired). Past President, Local Council of Women and the Community Welfare Council.

MEMBERS:

GEORGE G. BURT—Canadian Director, United Automobile Workers of America.

ARMANDO F. DELUCA—Prominent member of the Italian community.

CHARLES V. GORDON—Executive, Hiram Walker & Sons Limited. President, United Community Services.

VALERIE KASURAK—Representative, Excelsior Life Insurance Company. Past Vice-President of United Community Fund.

DR. HOWARD D. MCCURDY—Associate Professor of Biology, University of Windsor.

JOHN H. MCGIVNEY—Vice-President in charge of personnel, Chrysler Canada Limited.

CLARE R. MACLEOD—Director, Windsor Board of Education.

SAUL NOSANCHUK—Barrister and Solicitor. Prominent Member of Jewish Community.

SECRETARY:

MICHAEL J. MARENTETTE—Human Rights Officer, Windsor Regional Office.

Pockets of Prejudice Remain Many Wrongs to be Righted

DR. LOUIS FINE

THE GENERAL ASSEMBLY OF THE UNITED NATIONS HAS DESIGNATED 1968 as International Year for Human Rights. There could be no more appropriate and meaningful way in which to observe the 20th anniversary of the Universal Declaration of Human Rights adopted by the world organization on December 10, 1948.



The people of Ontario have good reason to be proud of the fact that four years earlier, our own Legislative Assembly gave unanimous approval to the first of several statutes which now

constitute our Ontario Human Rights Code.

I have often recalled the admirable statement made by the then Premier of Ontario, George Drew, when he introduced that legislation in 1944:

"We have a very simple choice to make, when we say that Canada is a land of freedom and equality, we either mean what we say or we do not."

"If you deny to any group of people the ordinary rights available to all other people, then those who should be most indignant are not the people discriminated against, but those whose basic principles of freedom, justice, and equality, have been insulted."

Mr. Drew, in a very real sense, set out in clear terms the principle on which the Code is based and what is expected of the individual citizen in its application to community life.

I have always felt that our human rights legislation was an expression of the conscience of Ontario in the same way that the Universal Declaration is an expression of the conscience of enlightened humanity.

The progress we have made in this important area of human relations during the past two decades is shown in the formative article which appears in this issue by Dr. Hill, the distinguished Director of our Commission.

We are particularly proud that our Ontario Human Rights Code, and the success of its application, has profoundly influenced similar legislation adopted by even other Canadian provinces.

We are proud, too, that on two occasions during the past year our Director, as invited to confer with government leaders in the United Kingdom to assist them in the development of their human relations program.

But on this important anniversary it

will not suffice to congratulate ourselves on what has already been achieved. Instead, we should focus our attention and our thoughts on what our Prime Minister, Mr. Robarts, says in his introduction to the Human Rights Code:

"While much has been accomplished, the task is by no means finished, and there is certainly no justification for resting on our laurels. There are still pockets of prejudice and areas of discrimination in our community life that demand our concern and require remedial action. It, therefore, remains the obligation of individuals, of community organizations, and of the government, to strive for still higher levels of improvement in the field of human rights."

The timeliness of those words is certainly borne out in Walter Currie's article on the condition of our Indian brethren—the native peoples of our country. Here, indeed, is clear proof of what Queen Elizabeth said in her Centennial message to Canadians: *"But not all of our people are free from want or hardship. There are still wrongs to be righted and suffering to be relieved."*

How can we possibly reconcile the ugly conditions described by Mr. Currie with the opening words of our Human Rights Code: "It is public policy in Ontario that every person is free and equal in dignity and rights."

Surely, then, International Human Rights Year must for us be an occasion for individual and collective self-examination in order to make sure that we are, in fact, applying the principles of the Universal Declaration, and our own Human Rights Code, in all areas of community life.

It is my sincere hope that the Legislative Assembly of Ontario, every municipal council, every community organization and our citizens generally, will engage in this self-examination during the coming months.

I hope that during 1968 the Universal Declaration and the Human Rights Code will become the subject of discussion from every pulpit of every religious denomination, in the editorial columns of every newspaper, on radio and T.V. and in the classrooms of every school in our province, not as a litany for mere recita-

tion, but rather as a stimulus and a guide to action.

As citizens of a country whose Parliament has ratified the Universal Declaration, we must always be concerned with, and must never hesitate to condemn, the denial or curtailment of fundamental rights anywhere in the world, but let us never forget that our very first obligation is to make certain that the principles of the Declaration and of the Human Rights Code are fully practiced right here in Ontario, for, in the end, our example will always carry more conviction than our words. As Mr. Robarts so aptly put it: "Let us re-dedicate ourselves to the task of tearing down walls of prejudice wherever they exist and in their place build bridges of understanding and mutual respect so that all members of our multinational Ontario family may, through full equality of opportunity, give of their best to the economic development, social advancement, and the cultural and spiritual enrichment of our province."

Every citizen of Ontario has the moral duty to assume his or her obligation in the carrying out of that task. As Dr. Hill reminds us, we must never lose sight of the fact that the Ontario Human Rights Code is much more than a number of laws designed to deal with a prejudiced minority; it is rather a set of inviolable principles to be lived and practiced from day to day by all of us, not just because the law requires it, but rather because enlightened social behaviour demands it.

Ordinary Justice

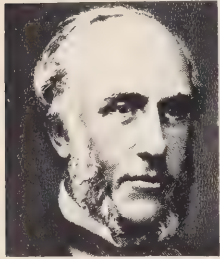
It is significant that the International Year for Human Rights should coincide with the 150th anniversary of the birth of George Brown, the courageous Canadian who stood in the very forefront of the struggle for civil liberties and human rights, at home and abroad, over a century ago. Just as he gave no quarter to the slave holder, so in our day must we give no quarter to the prejudiced bigot who would deny ordinary justice to their fellow-men and prevent them from playing their full role in our society. Such denial must always stir free men to action for, as George Brown said of slavery: "It is a question of humanity and no one can have a clear conscience who hesitates to lift his voice against it. We have to do with it on the score of self-protection. The leprosy of the pernicious system affects all around it."

So it is with racial and religious discrimination in our day. To defend the fundamental rights of all men is to follow in the train of George Brown. Man of Courage that he was, he did not hesitate to "kindle a great light in the land and set up blazing torches in the dark streets for men to see by."

ONTARIO FLASHBACK

The Courageous Canadian

GEORGE BROWN, ONE OF THE GREAT FATHERS OF CONFEDERATION AND A fearless champion of human rights, was born near Edinburgh, Scotland, on November 29, 1818. He emigrated to the United States in 1838 and moved to Toronto in 1843. For a short period after his arrival he published the *Banner*, a weekly journal described as "an organ of the Free Church Party".



Within a year the youthful Brown decided that the country of his adoption badly needed "a purely political paper" and as a consequence, the *Globe* made its first appearance on March 5, 1844.

Brown lost no time in becoming an active participant in the lively politics of the day and in 1851 he became a candidate for a seat in Parliament. He was also one of the outstanding supporters of the American Abolitionist Movement of the 1850's and, along with Oliver Mowat, helped to establish the Anti-Slavery Society of Canada.

(George Brown's detestation of the institution of slavery is strongly expressed in the brief extract which appears on page 5, from a passionate address delivered by the 34 year old publisher in Toronto's St. Lawrence Hall on March 25, 1852.)

In the years that followed, Brown was the chief adversary of his contemporary, John A. Macdonald and they engaged in many bitter political battles, but a decade later, when the future of Canada hung in the balance, it was Brown who, in an extraordinary example of self-abnegation, broke the deadlock, joined forces with his old enemy Macdonald, and opened up the road to Confederation.

Anti-Slavery Anniversary.

THE ANTI-SLAVERY SOCIETY OF CANADA, propose holding their **FIRST ANNUAL MEETING,** On **WEDNESDAY EVENING, the 24th instant.**

IN THE

ST. LAWRENCE HALL.

A Report of the year's proceedings will be read, and Addresses delivered by Gentlemen from the United States, and by others. Officers will be elected for the succeeding year.

A collection will be taken during the evening, in aid of the funds of the Society.

Chair to be taken at half-past Six o'clock.

M. WILLIS, D.D., President,

T. HENNING, Cor. Secretary,

Toronto, 19th March, 1852.

840-13

On the 150th anniversary of Brown's birth, which coincides with International Year for Human Rights, it is important for Canadians of our day to be aware of the great contribution he made in the struggle for human dignity and of the high esteem in which he was held by the people of his time, who had so richly benefited by his thirty-six years of public service. It is, perhaps, best expressed in the following moving tribute paid to him at the time of his death in May, 1880:

The Work of a Giant

"NO COUNTRY IS MORE INDEBTED TO its leading statesman than Canada is to George Brown. This is not the place to discuss party questions in a party spirit, but it is the place to point to the life and labours of one of whom our country may well feel proud, and thankful for what has been done through his instrumentality. He has done the work of a giant.

No one who has taken an intelligent interest in the shaping of our country's fortunes, or who is moderately acquainted with her past history, but will readily admit that Canada occupies a very different position today from what she did when George Brown, as a young man, came into public life to do battle on her behalf.

During those important years we passed from feudalism to recognized citizenship. When a presumptuous oligarchy attempted to rule this country in their own interests, as a family compact, unblushingly asserting that the many existed for the sake of the few; when a dominant church, backed by the prestige of an establishment at home, attempted to trample on the liberties of other churches, and actually punished with imprisonment ministers of other churches for performing their religious functions; when the bishop, in virtue of his office, took his seat in parliament and attempted to pass laws which made it a crime for Presbyterian or Methodist ministers to perform the marriage ceremony among those of their own flock; when none of the young men of our country were al-

lowed to attend the college that was supported by public funds without first signing the Thirty-nine Articles; when a man was branded a rebel if he dared to speak a word against these feudal enactments; this illustrious statesman who has just left us, then as a young man beginning his public career, erected his banner on the foundation of popular rights and common justice, and opened fire with speech and pen, and almost single-handed broke down one wicked defence after another, and wrung from his opponents concession after concession, till today it is safe to affirm that all are glad to shelter themselves behind the defence which he has set up.

It is most fitting that the country should be grateful for what he has done. It is, moreover, an interesting study to watch the political progress of our country from those days to this, and to feel that the very things that bring us honour and wise liberty and a brightening future are quite recent blessings extorted from determined opponents in many a hard fought battle. For example, our municipal institutions, with all the valued principles of self-government (which one of our wise governors characterized as sucking republics, which were to work such ruin to our country if granted, and overthrow the throne of the nation); the throwing open of the university of the country to the young men of the country, irrespective of creed; the settlement of the clergy reserves; a perfect equality of all churches in the eyes of the law; representation according to population; the unification of these scattered provinces into one grand confederation, with many other measures in which our country rejoices today, have all been contended for by George Brown in the face of bitter opposition. He has been a tower of strength on behalf of popular rights and liberties in the land he loved so well and served so nobly.

Two Classes of Men

I have discovered that there are two great classes of men, those who have convictions that mean something, and those who have none—men of expediency, who crawl into notice on the shoulders of other men as their parasites, and, as parasites, often feed on the large bounty; men who never denounce a wrong in their life, or defended the right; men who go as far as they think politic, and who turn back when the wind acts in their face; men without conscience, who have nothing worth defending, and are ready to shift their ground as expediency requires; men with one heart, but two faces, that look both ways at once.

continued on following page

Continued from previous page

uch men have no opponents, nor have y friends, except what the exigencies he hour call forth.

George Brown was above all a man courage. Small men have often said was dogmatic and domineering, while at men admired him for these very ts of character. He was a man of deep convictions, of intense individuality, of omitable will, who never knew what was to hesitate or to fear in the pre- ce of a foe; a man who put a great ue on his convictions as every noble n does, and like every man of great ce of character and determination, o moves with heavy momentum along line of his convictions, he was sure to ve ardent friends, as well as very eided opponents.

The great John Knox also had the ne features of character. Men who asure him by their own little rule, ve spoken of his domineering severity l dogged resolution. Little puppies ve often scratched on his illustrious ve, and barked their little bark. But e enlightened feel grateful for what ox was, and for what he did.

Much of the civil and religious liberty our day has had its root in those very tures of his character which the pup- s of an hour have professed to deplore. At such great junctures of a nation's e, men needed moral muscle and a ong back-bone of conviction, while eaks and vipers will crawl on their ilies till the world ends.

George Brown has left us. But his mory will long remain green in the ections of his grateful countrymen, for is one whom the nation will delight honour.

is name is his grandest monument."

From a memorial address by the Reverend t. Thompson, delivered in Saint Andrew's sbyterian Church, Sarnia, Ontario, May 9, 80.

Bronze Medallion

To commemorate the 150th anniversary of the birth of George Brown, the m of Wellings, well known engravers, s produced a fine bronze medallion aring a striking profile of the great anadian statesman and on the reverse le the shields of the ten provinces, gether with those of the Yukon and e Northwest Territories.

In the centre is the Canadian Coat of ms. The medallion is enclosed in an ractive plush lined case.

Only a limited number have been uck and it is certain to become a erished item of Canadiana.

"It is A Question of Humanity"*

WHEN I WAS A VERY YOUNG MAN, SLAVERY WAS A THING AT A DISTANCE—THE horrors of the system were unrealized and the mind received it as a tale and discussed it as a principle.

But when you have mingled with the thing itself; when you have encountered the atrocities of the system; when you have seen three million human beings held as chattels by their countrymen; when you have seen the free institutions, the free press and the free pulpit of America linked in the unrighteous task of upholding the traffic, when you have realized the manacle and the lash and the slothound; the mind stands appalled at the monstrous iniquity; mere words lose their meaning, and facts, cold facts, are felt to be the only fit argument.

The great guilt of slavery lies at the door of American churches. Truly did Albert Barnes say: "There is no power out of the church that could sustain slavery one hour if it were not sustained in it." But nearly all the churches of the union are steeped in its iniquities; ministers, office-bearers and people are alike its upholders. How can the state of the American church be better described than by the fact that Dr. Spring, an eminent light of the Presbyterian church, and minister of a large congregation in New York, publicly made this declaration: "If by one prayer I could free every slave in the world, I could not offer it." Laboured arguments are constantly coming from evangelical northern pulpits palliating the system—nice criticisms on God's law in regard to it; but for my part, I cannot listen to such arguments; I sweep aside all such theological humbug, and find a solution of the whole question in the grand Christian rule, "Do unto others as you would be done unto."

It is much to be regretted that Christian men in Great Britain are so slow to comprehend the position of the American church on this question—that with it rests the fate of the traffic. It is said that Methodist church ministers and members hold 219,563 slaves; Presbyterians 77,000; Baptists, 125,000; Campbellites, 101,000; Episcopalians, 88,000; and other denominations 50,000; total slaves held by professing Christians, 660,563. Let these churches declare slavery a heinous sin in the sight of God; let them compel the man-stealer to choose between God and mammon, and how long would slavery exist?

The question is often put, what have we in Canada to do with American slavery? We have everything to do with it. It is a question of humanity, and no man has a right to refuse his aid, whatever it may be, in ameliorating the woes of his

fellow-men. It is a question of Christianity; and no Christian can have a pure conscience who hesitates to lift his voice against a system which, under the sanction of a Christian altar, sets at defiance every principle of Christianity. We have to do with it on the score of self-protection. The leprosy of the atrocious system affects all around it; it leavens the thoughts, the feelings, the institutions of the people who touch it. It is a barrier to the spread of liberal principles. Who can talk gravely of liberty and equality in the States while slavery exists? Every intelligent American who professes to be a Christian, and upholds slavery, is committed to a glaring infidelity, which must lead him continually astray in trying to square with it his every-day conduct. We are along side of this great evil; our people mingle with it; we are affected by it now, and every day enhances the evil.

How Shall We Proceed?

But how shall we proceed—what shall we do? Speak against it; write against it; agitate against it; when you get hold of a Yankee, drive it home to him; tell him his country is disgraced; wound his pride; tell him his pure institutions are a great sham; send him home thoroughly ashamed of the black blot on his country's escutcheon. In steamboat, or railroad, or wherever you are, hunt up a Yankee and speak to him faithfully; there is no other man so sensitive as to what others think of him. You will find strange arguments to meet, but every man of them will be "*as much opposed to slavery in the abstract as you.*" It's a great evil, they will say; but what's to be done with it? Tell them that slavery is not an evil but a sin, a breach of every commandment in the decalogue, and that there is no choice but immediate emancipation. Tell them there was once a tea tax attempted to be imposed on them and there was no word of "what's to be done" then; they flung the tea into Boston harbour, and they must send slavery after it. They will presently get angry, and assert that but for the violence of the abolitionists slavery would have been done away with long ago; but you can tell them that the cry of every despot since the world began has been: "*Oh these pests, that turn the world upside down!*"

*From an address by George Brown to the Anti Slavery Society, St. Lawrence Hall, Toronto, March 25, 1852.

The Social Face of Justice*

by HON. BORA LASKIN

THERE ARE REASONS GROUNDED IN MY PAST, AND CONVICTIONS THEN FORMED which I still avow, that may explain why the hosts of this Annual Conference of Commissions for Human Rights have accorded me the honour of addressing you.

I do not think that my presence at this rostrum has anything to do with the fact that I am a Judge. Traditionally in this Province, and perhaps also in this country, Judges prefer to speak only when their words carry command. I am not, of course, in that position here.

I would, however, like to think that I am a lawyer, and because the law, long considered in the Anglo-American-Canadian tradition as a protective force for political freedoms in its neutralist and abstentive character, has, over the past quarter century particularly, been utilized in a positive and sympathetic way to secure human rights. Given the value that we, in our respective societies, place upon human rights, upon legal equality of opportunity, it must strike us today as somewhat surprising that the important form of social control known as the law, had been so hesitatingly harnessed to liberate the capacity and the opportunity of all inhabitants of our countries to live and work among and with each other, without discrimination or preference based on such irrelevant criteria as race, colour, religion or national origin, or age or sex.

The hesitation was, of course, due to the nature of our law and to the nature of the social forces out of which it proceeds. In what I may have to say about this and other matters connected with the work of human rights agencies, I have no illusion that I shall be adding to the sophistication of the delegates here assembled. But there is a cross-section of the community gathered at this dinner; and there is value in confronting them with issues, all too familiar to human rights administrators, on which public understanding and, hopefully, public support may be sought and gained.

Our legal system has traditionally given primacy to individual freedom of contract and individual power to make a selective disposition of one's property. For example, it is less than two generations ago that in this Province legislation was passed to deny complete power to a person to disinherit his or her spouse and children by adverse dispositions in a will. I believe that the persistence of

the respect of the law for unfettered individual choice of action in contract, employment and property matters was partly fed by an assumption of ethnic homogeneity, an assumption which may have had a strong basis in the United Kingdom but not in Canada or in the United States.

The notion that the law must shore up, or at least abstain from interfering with individual dealing, was also nourished by the view that the legal system was one of sanctions; that its main thrust was executive force; and hence there was no role for it, or a limited role at the most, in educating the community to acceptance of positive social responsibilities. That law should be a reflection of the culture of the country, that it could have an influence on cultural and social patterns was, in Canada at least, only dimly perceived even less than a quarter century ago. The best evidence that I can offer for this evaluation is the Report of the Royal Commission on National Development in the Arts, Letters and Sciences—the Massey Commission—which in speaking in 1951 on the state of Canadian culture, had nothing to say about the law, as if it did not exist in that connection.

We have, of course, moved radically from this position in the past decade and a half. The movement in the human rights field began—and I do not regard it as a paradox—in terms of concern for individual disadvantage. I have personal recall of helping in 1948, 1949 and 1950, to document individual complaints of discrimination in employment on account of race, colour and religion. It was on the basis of a large catalogue of individual instances that the Fair Employment Practices Act was enacted in this Province in 1951. Since I have never been a politician, and am not practising to be one, and because I hold a secure federal appointment, I can say with complete indifference to political considerations, that the provincial government of the day deserved commendation for taking the next step—that is accepting responsibility to enforce fair accommodation practices in 1954—without requiring the same degree of supporting research that was put into the campaign to obtain a fair employment practices Act. To put the matter in a different way, the initial



Mr. Justice Laskin

acceptance of an enforceable public policy against racial and religious discrimination in respect of employment and of access to public places, was prompted by an individualistic view of the social undesirability of such discrimination. I believe that we now appreciate more than we did a decade ago, that the problems that must be tackled by human rights agencies, go beyond the composition of individual instances of illegal discrimination. I shall return to this theme later on.

The leadership that Ontario has given in legislative promotion of human rights in employment, public accommodation and housing is underlined by two recent amendments to the Ontario Human Rights Code. They make its provisions applicable to employers without regard to the number of their employees, and extend its force to all self-contained housing accommodation without exclusion of the previous limitations, that the employer must be one with not less than five employees and that the housing building must have more than three units have been eliminated.

But there is another important aspect of the Ontario Human Rights Code which deserves emulation elsewhere in Canada, to which I would draw attention. For the past six years Ontario has provided a full-time administrative staff to enforce its human rights legislation. The federal government and the Province of Nova Scotia have recently moved to similar full-time administration. Six Provinces of the eight that have human rights legislation have still to do so, if my information is correct. It does not require the expertness of a lawyer to appreciate that there is a considerable gap between the "law in books" and the "law in action." Since one of the underpinnings of anti-discrimination legislation is its educative value, the failure to provide full-time administration undercuts enforcement at large as well as in individual complaint cases. Tokenism expressed in part-time administration is not a very

*Text of an address by Mr. Justice Laskin to the Nineteenth Annual Conference of Commissions for Human Rights.

giving assurance that the implications of a public policy of anti-discrimination are fully understood or fully endorsed.

The need for full-time administration and a trained staff of adequate size reaches more than the enforcement of the strict letter of the law against those who disobey it. The experience with anti-discrimination legislation in this Province, and in many of the States of the United States, has shown that in its present form such legislation does not reach disadvantaged minority groups whose collective experiences show a pattern of discrimination that cuts them off, as a group, from various kinds of employment and from decent housing. On an individual basis, it is impossible to contend that a member of a disadvantaged minority group has been the object of racial or religious discrimination if he does not have the skills for a job to which he aspires, nor the money to pay for the modest kind of accommodation that he seeks.

To say this is not to deride the present state of the legislation which has become familiar to us all. It is rather to suggest that the effort to root out individual discrimination on irrelevant grounds of race, colour, religion or place of origin and so on, has provided perspective for attacking the problem more comprehensively, and to greater social advantage if we succeed. I remind those assembled here at the Ontario Human Rights Code Conference that "it is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin." This proclamation draws explicitly on the Universal Declaration of Human Rights, whose 25th Anniversary will be celebrated in 1968. The conjunction in the Ontario Declaration of the words "dignity and rights" points the way to an enlarged appreciation of the social as opposed to the purely individual implications of discrimination. I see social concern in the term "dignity"; disadvantaged groups that have an assurance of respect for their dignity will not likely have to wage a continuous battle to secure their individual member's rights.

An inextricable circle of frustration is created by individual discrimination. When it forecloses opportunity in certain kinds of employment it diminishes hope for such employment by others, and thus dissuades them and others like them from striving to qualify for that kind of employment. A social pattern of exclusion begins to form which is more difficult to break down than any individual instance which contributed to it.

I have some knowledge of this through many years of experience as a University professor. I have talked to prospective

A time to stand up

THE MAN WHO IS FULLY FREE IS ONE who lives in a country which is democratic; in a society where the laws are equal and restrictions are at a minimum; in an economic system in which he has the latitude of a secure livelihood and assured comfort, and full opportunity to rise by merit. . .

Concessions, however liberal they may appear, are not rights. Rights are what man is entitled to, not what society is willing to let him have. They belong to man because he is man. They have greater validity than politics or any other invention of society. . .

The only safeguard of individual or group human rights is a sound and vigilant public opinion, coupled with the

students and their parents who were apprehensive about committing themselves to the cost and time of a University education because they were convinced that it was not for them to aspire to it. Happily, at this level, with the greater provision of financial aid, the picture is changing. My illustration, which is a special one, may not hold true for vocational occupations where required skills have been transformed by a continuing technological revolution. I doubt, however, whether the technological revolution, with its emphasis on more refined industrial processes, can be viewed as a boon by those who have no base of technical competence from which to meet its challenge. And unless they can do so, they are destined to marginal earnings in fringe occupations although their capacity, if trained, rises much higher.

What these considerations indicate is a need for coordination of policies and efforts by all agencies of government concerned with the human condition. Human rights agencies will be able to do a better job if their work is meshed with that carried on by labour departments, by manpower retraining agencies and by housing agencies. I should think it would be well to bring professional licensing bodies into a relationship with human rights agencies. In addition, human rights agencies should be charged to hold hearings with a view to eliciting the facts where pockets of discrimination appear to exist, without being limited to action on an individual complaint basis. They can, even under the present law, take initiatives towards voluntary communal action, and it is heartening that the Ontario Commission is beginning to do so. I cite as an illustration the Mayor's Committee of Amherstburg through which employers have been brought together to open jobs for Negroes in industries where they have never before

determination to carry into effect the convictions that people hold. The human race continues to be faced by the wide gulf between profession and practice. No rights are automatic or forever safe and that is why intelligence should never slumber. Whether we like it or not, we are all involved in the presentation of human rights. . .

An exercise in benevolent oratory will not fulfil the obligations of this International Year for Human Rights. There needs to be action and follow-up. It is a time to take sides, to stand up, to be heard, to exert influence and effort, to perform.

— Excerpts from, *Monthly Letter*, The Royal Bank of Canada, Jan. 1968

been employed. Another example of voluntary communal action—this one resulting from representations by a disadvantaged group that organized itself to that end—is the Mayor's Committee of Kenora, formed in late 1965 to establish a human bridge between the townspeople of Kenora and the Indians in neighbouring areas.

We need more, however, than piecemeal approaches prompted by a concentration of political pressure or by some dramatic individual instance of discrimination. We need to examine the data on the deployment of our human resources or to gather it, if it is lacking, in order to provide a factual basis for assessing our patterns of employment to see if they exhibit collective discrimination. Positive programmes of amelioration will then draw readier support, and we should be in a position to combat the stereotyping of this group or that group as being unsuitable or congenitally incapable of this or that kind of labour. It is deplorable talk, however infrequently it is now heard.

Equality before the law has, in the past, been conceived in primarily political and formal legal terms; for example, equal voting rights, equal standing before the courts and so on. We are beginning to carry it into social and economic fields. Presently in these fields the notion of equality before the law assumes conditions which the law itself has not and may not be able to guarantee. What it can do, however, is at least provide an atmosphere and an opportunity for disadvantaged persons to create those conditions for themselves.

Justice has a social and economic face as well as a legal and political face. We must surely see to it that all the faces of justice reflect the concept of social service. There is room for its greater realization in the field of human rights.

Protecting Human Rights in Ontario - 1793-1968

by DANIEL G. HILL

HUMAN RIGHTS, AND THE MANNER IN WHICH THEY ARE PROTECTED IN Ontario have a rather lengthy history. In the public mind, however, the legislative and administrative machinery which we have established to combat discrimination is quite recent and is rightfully included as one of the new social frontiers.



Ontario's original human rights legislation, however, can be traced to a much earlier period, for in 1793 the First Parliament of the Province of Upper Canada passed 'An Act

to prevent the further introduction of slaves and to limit the term of enforced servitude within this Province.' This statute, while confirming the ownership of slaves then held, provided that the children of slaves, upon reaching the age of twenty-five years, automatically would be set free. It remained in force until 1834 when, under the Imperial Emancipation Act, slavery was abolished in all parts of the British Empire. Forty-thousand Negro refugees from American slavery entered Ontario during the nineteenth century, and Ontario residents were deeply committed to the Abolitionist Movement. The citizens of the province since then have prided themselves on their heritage of fair treatment for minority groups; and it is in those early statutes that we find the root idea of human rights in the legislative field.

Contemporary human rights legislation in our province began with the passage of the Racial Discrimination Act, 1944, which prohibited the publication or displaying of any notice, sign, symbol or other representation which expressed racial or religious discrimination.

In 1950, the Labour Relations Act was amended to outlaw discrimination in collective agreements; and in the same year, under an amendment to the Conveyancing and Law of Property Act, restrictive covenants in the sale of land were declared null and void. The following year, Ontario became the first jurisdiction in Canada to enact a Fair Employment Practices Act. Discriminatory pay rates against women were also outlawed in 1951 by the Female Employees Fair Remuneration Act, which required that women receive equal pay for equal work. In 1954, the Fair Accommodation

Practices Act was passed prohibiting discrimination in regard to services, facilities and accommodation in any place to which the public is customarily admitted, and in 1961 it was extended to include multiple housing, where discrimination was prohibited in the renting of apartments in buildings with more than six units.

Realizing the importance of a public education program to support conciliation and enforcement activities, the Legislature passed an Act in 1958 to establish an Anti-Discrimination Commission whose primary task was to publicize all human rights legislation in Ontario.

Shortly afterwards, our official publication, Human Relations, came into being, representing the Commission's first major educational effort to obtain the unqualified support of the people of Ontario for the Province's human rights legislation.

The Commission's name was changed in 1961 from the Anti-Discrimination Commission to the Ontario Human Rights Commission; and in 1962, with the consolidation of all fair practices statutes in one Code, its powers were broadened to include administration of the law as well as education.

Three amendments to the Human Rights Code were passed in 1965. First, the legislation was extended to cover the Provincial Government and all agencies of the Crown. Secondly, the housing section of the Code was lowered from six to three self-contained units in apartment buildings, and, thirdly, discrimination in the occupancy of offices and other properties for commercial use—was prohibited. 1966 saw the passage of a separate statute, The Age Discrimination Act, designed to curtail employment discrimination against older workers in the 40 to 65 year age bracket. The Legislature empowered the Commission to enforce this statute, using the same administrative procedures employed under the Ontario Code.

Two significant amendments were passed in the spring of 1967. Formerly, the

legislation exempted employers with fewer than five employees but the Code now covers all employers irrespective of the number of employees involved. At the same time, the Legislative Assembly also effectively ended what we used to term "the numbers game in housing" by covering all dwelling units—including private homes and rooms, without regard to size or type.

While there is still room for improvement, I feel that the Ontario Code, when compared with legislation in other provinces and in American jurisdictions, among the best on this continent. I might also add that, while eight of the ten provinces have human rights legislation only Nova Scotia and Ontario cover housing and, even here, only Ontario covers commercial space or includes all types of dwelling units.

In reviewing the legislative trend, since 1944, sixteen separate statutes and amendments have been passed to protect the human rights of Ontario residents; ten of which were passed within the last ten years. The enactment of all these statutes culminating in the Code reflect the sharpened appreciation of the meaning of freedom which has become so apparent in Canada since the end of the Second World War. Labour organizations, churches, social welfare agencies and municipal councils have all endorsed and supported human rights legislation during the post-war period. Canada's history and its experiences in the last war coupled with the frightening violation of human rights in other places around the world, have given Canadians a deeper understanding of freedom, its value and the means whereby it can be extended throughout this nation. Human rights legislation in Ontario is based on recognition that a person is not free, if, because of his particular race, colour, creed or age he is denied employment or access to services and accommodation which are normally available to the public.

Enforcement and Conciliation

How is the legislation enforced and what are our practices? The Code provides that every formal complaint must be in writing on a prescribed form. Thus, unverified telephone conversations and second-hand reports do not in themselves constitute a formal complaint. The complainant must sign a statement of charges and be interviewed by Commission staff. Loose and unprofessional investigator procedures are unfair to all parties and tend to breed resentment and contempt for the law. On the other hand, rigidity, a sometime concomitant of formality, must also be diligently avoided, so that

balanced procedure is achieved. Every effort is made to conciliate the complaint and to obtain a settlement. The Commission's policy in this area is to keep formal correspondence to a minimum and to place strong reliance upon personal contact and discussion. The conciliation process is highly flexible and, as a policy, the investigator concentrates rather less on the issue of legal guilt than on the issue of effectuating a satisfactory settlement. This procedure is predicated on the thesis that confrontation and accusation tend to reinforce the discriminatory attitude. For example, if the accused is asked whether he has committed a discriminatory act, almost invariably, he will deny it. Once having denied it, his assumption of this pose of self-respect will compel him to resist conciliation overtures. A settlement then would be perceived as an admission of guilt.

If conciliation fails, the Commission may recommend that a person outside of government be appointed to act as a Board of Inquiry to investigate and report on the complaint. This step is a significant departure from the practice of the majority of Human Rights Commissions in the United States where the investigative and adjudicative functions are frequently combined within the one agency, with an internal separation of responsibility. In my view, separation of function on this basis sacrifices considerable fluidity of action necessary for factual compromise and settlement. The staff person investigating the case is, in effect, relegated to the function of gathering evidence and, not unnaturally, encounters considerable opposition and hostility. Our staff are empowered to obtain an "on-the-spot" settlement if possible, which is especially useful if, during the process of investigation, both parties seem co-operative and desirous of an agreement. Essentially, the whole matter of conciliating human rights complaints requires a judicious blending of the "velvet glove" and "iron hand." When I say that we have a settlement-oriented approach, let me be very specific in terms of what the practical elements of a settlement entail.

If the complaint involves a housing situation, the accused will be urged to act in good faith and offer the complainant an apartment or house or room or whatever; if it is a job, he might offer the individual immediate employment or assure him that within a given period of time, employment will be forthcoming; if he has denied an individual a haircut, he is asked to cut the person's hair immediately; if he has denied resort accommodation, he will be required to offer during the current or subsequent season.

Returning, briefly, to the Board of Inquiry let me explain how the civil liberties of the accused are protected at this level. Board chairmen are usually drawn from the ranks of county court judges or deans of law schools. These Boards are empowered to summon witnesses, order production of documents and take evidence on oath in a manner that best suits the nature of the inquiry. The hearing is generally conducted in a local court house, where the Commission, through its counsel, adduces the relevant evidence and the respondent is afforded the opportunity of reply.

Procedure

The Board of Inquiry procedure provides for a fresh and untarnished appraisal of all matters pertinent to the issue. Although not articulated in the legislation, this philosophy probably stems from the principle that "no man shall be judge in his own cause." Without determining the merit of such an apprehension, it is feared that an individual who has buried himself in investigation and conciliation on one side of an issue may be disabled from bringing to a decision that dispassionate judgement which our tradition demands of officials who decide such questions. Even if this function is initially segregated by the adoption of a rigid division of internal powers, there may exist a very strong temptation on the part of a body like the Commission to decide that its officers have proved their case with the result that the individual, against whom the complaint is made, not unnaturally, resents having his rights settled by the same body that investigated the case. There is also the danger that the Commission, after repeated exposure to acts of discrimination, may develop certain measure of bureaucratic cynicism inimical to the fair administration of the legislation. Therefore, by means of the external separation of these functions between the Commission and its professional staff on one side and the Board of Inquiry on the other, the Ontario approach, offers an equitable system for early resolution of these matters in which justice not only is done, but appears to be done.

Frequently the Board acts as a super-conciliator. But, failing settlement, it can assume a more formal posture by advising the Commission that the case should be dismissed or, if convinced that discrimination did in fact take place, it may advise the Minister to issue an order requiring the respondent to cease the complained-of practice or face prosecution. The Board may alternately choose to by-pass the order and recommend direct prosecution to the Minister. If the

latter course is chosen, the whole matter is inquired into *de novo* by a magistrate applying the quasi-criminal standards of evidence and proof, thus affording to the accused the full protection of yet another branch of the law.

On conviction, the accused is liable, in the case of an individual, to a fine of not more than \$100 and, if a corporation or trade union, to a fine of not more than \$500. Because of the minimal nature of the fine levied, some individuals might, at first, choose court proceedings rather than relinquish their discriminatory policy and treat the fine as merely a "license to discriminate". In order to discourage this type of attitude, the Minister is empowered to seek an injunction against such continuing contravention. In effect, the Ontario system, while providing for a speedy and flexible method of resolution, doubly insulates the accused from any bureaucratic evil by giving him the opportunity of making his answer and defense to the allegations at two separate and distinct stages and before two separate and unrelated independent tribunals.

The Task Ahead

The Ontario Human Rights Code and the Age Discrimination Act represent an attempt by the legislators of this Province to protect its citizens and residents from discrimination in the areas of housing, employment and public accommodations. They are not perfect instruments designed to cover all violations of human rights but deal, instead, with the types of discrimination to which minority groups and older workers are particularly vulnerable. While the Commission is primarily responsible for enforcing the legislation and preventing discrimination, it is nevertheless strongly committed to creating a climate of understanding and respect among all races, creeds and national groups in this Province.

Human rights legislation is relatively new throughout North America, and this means that there will be serious questioning for a considerable period of time of the operational methods employed by bodies such as the Ontario Human Rights Commission. Where there are no teachers, one has to train oneself. This is very much the position of the Ontario Commission.

As we face International Year for Human Rights in 1968, commemorating the 20th anniversary of the signing of the Universal Declaration of Human Rights, let us remember the rich legacy that we have in this province in respect of social justice and make every effort to obliterate all pockets of discrimination and prejudice.

Is the Canadian Indian Act "Legislated Discrimination"?

by WALTER CURRIE*

LAST YEAR, THIS LAND OF OURS CELEBRATED ITS 100th BIRTHDAY, ITS CENTENARY—parades were held, cakes were cut, fireworks were exploded, speeches were made—and across this land, we Canadians were proud and happy—proud of our past and happy for the future.



From one of those speeches telling of Canada's fortune and prosperity were these words: "But not all of its people are free from want or hardship. There are still wrongs to be righted and suffering to be relieved." These words were spoken in Ottawa by Queen Elizabeth II as she started us into our second century.

It is on this basis I wish to speak with you of a people who are not free from want, who are not free from hardship, who still suffer wrongs, and whose wrongs need to be righted. I wish to speak with you about my people, the Indian. And maybe, as one drum beating forth the truth for both the Indian and non-Indian, other and greater drums may add to the message so that all the people of Canada will hear, will learn, will understand, and will right those wrongs.

The Indian Today

70% of the Treaty or Registered Indians exist on some 2200 reservations which are scattered from coast to coast. Indians, but no reserves, are to be found also in the Yukon and the N. W. Territories.

Once the term, the Vanishing Redman, was applicable, but no longer. The Indian is the fastest growing ethnic group in Canada—a 55% increase from 1949 to 1964—and this growth despite an infant mortality rate which is now only 60 per thousand (10 yrs. ago it was 96 per thousand). The national rate has dropped from 32 to 24 in the same 10 years (according to the *Globe and Mail* of March 14, 1967). The *Telegram* later that month reported "30% of Canadian Indians are so underweight at birth there is a grave risk they won't survive long enough to be weaned . . . 17% of births were

to mothers who had eight or more pregnancies."

How do these people live on their reserves? Listen and judge: 60% of the homes are three rooms or less

90% are without indoor toilets

85% are without running water

50% have no electricity

47% of the Indian families earn less than \$1000 per year. Another 25% earn below \$2000. And yet our sociologists say \$3000 for a man, his wife and two children is the "poverty line!" Statistics from the Department of Indian Affairs show one-third of the Indian population is receiving welfare—and this is one of the richest lands in the world.

Today, the Indian is a young people—60% are below the age of 21—132,000 roughly—132,000 technically who are of an educable age. And yet, there are only 60,000 in school, less than half of those who could be receiving an education. You say, "1 in 4, that's not bad." I say, it's shameful! Especially when you realize that of these 60,000 *only* 6,000 are in grade nine or higher—a 90% drop-out.

I wonder if the Queen knew how correct she was—not all of its people are free from want, from hardship, from suffering.

This picture I have painted shows reservation communities at the bottom of the economic totem pole, lowest on the scale of social and economic progress. The people on these reservations have a culture, but these people live under a culture of poverty. Join this poverty to isolation, add a substandard quality of education, subtract economic growth, bracket with 100 years of paternalism and you have a modern math problem too tough for the Indian alone to answer—the people of Canada, through their governments, must find a solution.

I could speak with you of many factors which have, and are, contributing to this situation—but for today, let us examine "Legislated Discrimination" which I hold is the major cause of this shameful mess.

Am I an Indian . . . ? My mother came from Walpole Island Reserve, my father from Muncey Indian Reserve—but I am not an Indian—because I do not

fit the legal definition of what an Indian is! It says here "Indian" means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian;" (Section 2.1.g.).

What is this? It is the Indian Act, as unilaterally passed by the House of Commons in 1951. Here is "Legislated Discrimination."

Name me another piece of legislation which defines a people? By the way, I am not sure what I am. And, if you fit this definition your name is entered on the roll in Ottawa and you get a number.

Let me tell you of Indians and marriage. If an Indian girl, with Treaty Status, marries a non-Indian; she ceases to be an Indian. Or, if a Non-Indian girl marries a Treaty Indian (male), she, the Non-Indian, becomes an Indian—complete with number.

A few sentences back, I mentioned that this Indian Act was unilaterally passed by the House in 1951—for your further information, you might be interested in knowing that the Indian people were not asked if they approved, disapproved, supported or what they thought of this piece of legislation. As a matter of fact, in 1951, when this Act was passed, the Treaty Indian of Canada could not vote in Federal Elections.

This right of a Canadian citizen was not given to the Treaty people of Canada until 1960. If my history memory is functioning, I recall a country losing a package of colonies over legislation without representation.

May I point out just how backward our country has been in recognizing the rights of its native people. In 1958, the then Prime Minister, Mr. Diefenbaker, appointed to the Upper House, a gentleman by the name of Gladstone; Mr. Gladstone was and is a Blood Indian, from the Blood Reserve of Southern Alberta. Ironically, when he was appointed to the Upper House in 1958, he could not vote in a Federal Election but he sat in our Parliament as a Senator. As a matter of fact, Senator Gladstone and all the Treaty Indian people of Alberta were not given the right to vote in their Provincial Elections until 1965.

The *Globe and Mail* of February 20, 1967, carried the headline, LAING ANNOUNCES OVERHAUL OF INDIAN ACT. "Sweeping changes will be made in the federal Indian Act this year to provide for the emancipation of Canada's Reserve Indians . . . The biggest single result of the legislation would be self-determination on the country's reserves without interference of influence from the federal government . . . The Indians would be closer to independence than they have been since the white man took over Canada."

*An address by Walter Currie, Chairman, Committee on Education, Indian-Eskimo Association of Canada to the 19th Annual Conference of Commissions for Human Rights.

What Mr. Laing announced, sounded very good. Unfortunately there are two pointed arrows in the quiver:

Firstly, it is not on the agenda of the House of Commons this year because there are too many more vital things demanding the attention of this country's legislators. Also, the Indians are not loud enough of a squeak in the wheel to demand this kind of attention. Were they, and had they more Canadians speaking up for them, maybe it would be on the agenda for this year.

Secondly, and I may sound as though I speak with a forked tongue, there is no guarantee that the Indian people, as a people, will be asked for their views and opinions as to what could or should be

Most people believe that under the Indian Act reserves belong to the Indian bands who reside therein. But *Sect. 2.1.0* says: "reserve means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band;" or *Sect. 18.1* "... reserves shall be held by Her Majesty for the use and benefit of the respective bands ... and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used for the use and benefit of the band;" or *Sect. 18.2* "The Minister may authorize the use of lands in a reserve for the purpose of Indian Schools, the administration

flow"—that is what Indian people think is meant by "this is our reserve"—"this is Indian Land"—"the Treaty makes this our land". But read *Sect. 35 parts 1-2-3-4* and learn, as the Indian has bitterly learned—Reservation land can be expropriated and has been expropriated. You may say, "but so it is for any one in Canada". And I must agree except for two vital facts:

1. When this legislation was passed Indians were unable to vote. That's like taking candy from a kid who is bound and gagged.

2. For people of Canada, the land they own was purchased. The Indian's land, his reservation, was and is his small retention of what was once all his. This reserve of a few acres he kept and in turn gave away the forests, plains, mountains, rivers and streams upon which depended his way of life.

There's the difference and the unfairness—those two facts put the Indian in a different position to a citizen of Canada—to the Indian is owed a legal and moral debt.

Have I answered the question: "Do Indians own their Reservations?"

Free Enterprise

Are Indians Citizens with equal rights? Equal opportunities? Listen to *Sect. 32.1* A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan, Alberta, to a person other than a member of that band, is void unless the superintendent approves the transaction in writing.

Death and Wills

Sect. 42 to 50 inclusive make for weird reading. Briefly it says "all jurisdiction and authority in relation to matters and causes testamentary, with respect to deceased Indians, is vested exclusively in the Minister ..."

In essence, complete authority is in the Minister's hands, for example *Sect. 46* says that the Minister may declare a will void in whole or in part.

Even into the grave, the Department of Indian Affairs runs the Affairs of Indians.

Elections are held whereby the chief and council are chosen by the people of the reserve. But—*Sect. 73.1* "Whenever he deems it advisable for the good government of a band, the Minister may declare by order that ... the council of the band ... shall be selected by elections."

continued on following page



Thirteen year old Patrick Carpenter of Moosonee and twelve year old Jack Louttit of Moose Factory, both Cree Indians, spend a happy day at Expo as a reward for being top students in their schools.

one with, to, for, and around the Indian Act. Now I do not deny that the members of the Indian Advisory Council have been questioned about this, but I challenge whether this Council of Indian People presents, by a democratic vote, the Indian people of Canada.

One asks, how can both be done—put on the agenda of the House and yet survey the opinions of 220,000 people in 2,260 reserves? I agree, but cannot see motion be put on the floor, and in so doing make legislators aware of the ramifications of such a revision, and then have it tabled for a definite period during which time the Department of Indian Affairs would be instructed to ascertain the wishes of the Indian People of Canada and to report back to the House!

of Indian Affairs, Indian burial grounds, Indian health projects ... or *Sect. 19* "The Minister may (b) divide the whole or any portion of a reserve into lots or other subdivisions, and (c) determine the location and direct the construction of roads in a reserve." or *Sect. 20.1* "No Indian is lawfully in possession of land in a reserve unless, with the approval of the minister, possession of the land has been allotted to him by the council of the band." or *Sect. 20.4* "Where possession of land in a reserve has been allotted to an Indian by the council of the bands the Minister may, in his discretion, withhold his approval."

Some of you may have heard those words "as long as the sun shall rise, the grass shall grow, and the rivers shall

continued from previous page

Enfranchisement

Section 108.1 deals with Treaty Indians wishing to give up their Treaty rights:

"On the report of the Minister that an Indian has applied for enfranchisement and that in his opinion the Indian

- (a) is of the full age of 21 years,
- (b) is capable of assuming the duties and responsibilities of citizenship, and
- (c) when enfranchised, will be capable of supporting himself and his dependents,

the Governor in council may by order declare that the Indian and his wife and minor unmarried children are enfranchised."

From 1955 to 1965, 7,725 Indians were enfranchised. I wonder what tests were used to assess their capabilities of citizenship and self-support? My mother when enfranchised could neither read nor write!

Education

According to the B.N.A. Act, education of the people of Canada rests in the hands of the Provinces—except for Indians. The authority for the education of Indian children rests wholly in the hands of the Minister. Nowhere in the Act, nor in reality, do Indian parents have any say in the education of their children—School Boards or Boards of Education do not exist on reservations—and where Indian children are integrated into schools of neighbouring white communities, the parents are neither elected to seats on these boards nor invited to even sit on them.

There lies one of the major reasons why a 90% dropout occurs among Indian children. Only as a man is involved will he concern himself! Until Indian parents are given greater opportunity to be responsible for and to participate in the decisions relating to their children's education, until then, only minor positive improvements will occur.

Sect. 119 Still on education—did you realize that an Indian child who is expelled or suspended from school or is not a regular school attender shall be labeled "Juvenile Delinquent". Is this true for all other school children across Canada?

You have often heard how we Indians cannot "hold our liquor"—in either hand—The Act covers this and in turn, forces Reservation Indians to break the law.

Most Provinces now permit the Indian to buy a drink in a hotel or retail store. But the Indian Act *Sect. 96*, says the Indian may not bring his legal purchase home onto the Reserve to drink it! So he

The Original Intention

THE LONGSTANDING NEGLECT OF THE native people did not arise from lack of knowledge of the situation. For instance the Earl of Elgin, Governor-General of Upper Canada in 1854 made the following plea for government action: "... the time has arrived when the machinery, so elaborately devised with (the object of protection) may be modified in some details. If the civilizing process to which the Indians have been subject for so many years had been accompanied by success, they have surely by this time have arrived at a sufficiently enlightened condition to be emancipated from the state of pupillage in which they have been maintained; if on the other hand the process has been inadequate to achieve the desired end, it has been long enough in successful operation to warrant the adoption of some other method of procuring this result.

has to drink it up some alley or in a parked car and then is picked up for being drunk or he becomes a hazard driving his car!

The band members of a reserve may vote for a local option, it is true. But—in non-Indian communities, which are dry, a member of that community may still buy and bring onto his property a case of beer without arrest. Is this equality before the law or is it special laws for special people?

All too briefly in the preceding comments I have covered some of the injustices incorporated into the Indian Act—an Act passed by our country's top legislators. Maybe some are asking why have I not touched on colour discrimination, job discrimination—do they not exist? True—but remember I said I believe that this legislated discrimination is the major cause of the mess in which the Indian people of Canada find themselves.

You must understand that a people who have existed under such an Act which treats them so paternalistically, which has excluded them from the Canadian way of life, which has isolated them from a world of progress and growth—you must understand the effect this Act and its execution has had and does have upon the mental set of my people. The Indian people believed and still believe, in too many cases, that what the Indian agent says is law! They do not realize their own human rights—their rights to take their problems to succeeding levels, including the Prime Minister. You cannot live as my people have lived for generations, without acquiring the inertia to act for oneself. As Josh White says in one of his songs "I Been Down So Long, I Ain't Never Thought of Standing Up".

The original intention never can have been to retain these people in a state of permanent minority and always regard them as unfit to assume the responsibilities which must, sooner or later, devolve upon every member of a civilized Community. The more intelligent and educated Indians, of which there are great numbers, are extremely anxious that the experiment should now be tried of allowing them the control of their own private funds, and express themselves ready and willing to assume the consequent liabilities. This desire seems most natural, and I trust that if it is complied with in the manner proposed, individual enterprise and industry will be developed to an extent that will justify so important an acceleration in the administration of Indian Affairs."

—From a Brief prepared by the Indian-Eskimo Association.

What then is to be done? The Federal Government, which is the people of Canada, must examine its policies and role toward its Native People, the Provincial Governments must get off their tailbones and must accept the fact that these people are citizens, as much as anyone else in the provinces, and therefore deserve equal opportunities and equal services. It is high time that the Provinces stopped hiding behind the idea that "Indians are a Federal responsibility". One sometimes gets the idea that the only time provinces fight for Provincial Rights is when it involves a source of revenue.

The Indian people want to accept and must be given responsibility for their destinies.

In closing, two thoughts—

After speaking to a group recently, one gentleman came to me and said, "Mr. Currie, I am ashamed for what my forefathers have done to your people". My reply, "Do not be ashamed for what they did but be ashamed if you do nothing."

His Excellency, the late Governor-General Vanier, said in his Brotherhood Week message:

"The first prerequisite of unity is mutual understanding and a willingness to serve. To live for oneself alone is not to live at all. Only as we develop an awareness of the needs and feelings of others can we hope to rise to real stature and spiritual manhood. Our Country as a whole will be great in proportion to the compassion its citizens show for each other. Let us remember that just as none of us can be perfectly free until all our people are free, so none of us can be perfectly happy until the well-being of every Canadian is assured."

MAGNA CARTA FOR MANKIND

CEMBER 10, 1948 WILL NO DOUBT TAKE ITS PLACE IN history along with June 15, 1215 as one of the most memorable milestones in mankind's quest for freedom and justice. The flame of Runnymede illumines the world.

In adopting the Universal Declaration of Human Rights the United Nations General Assembly produced a Charter for Humanity which recognizes that the

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common

fundamental freedoms must be protected by the rule of law.

As part of International Year for Human Rights the Assembly calls upon all member countries to publicize the text of the Declaration and "Cause it to be disseminated, displayed, read and expounded, principally in Churches, Schools and other institutions."

To that end Human Relations once again makes the complete text available to its readers:



1968

Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

(Continued)

standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this

Magna Carta for Mankind

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offense, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and

in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the

event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth here.

Indian Program 'Bogged Down' Requires Change in policy

THE INDIAN-ESKIMO ASSOCIATION OF CANADA HAS WRITTEN TO PRIME MINISTER Pearson asking for changes in the structure and policy of Indian administration.



Dr. Martin P. O'Connell, president of the Association, has asked the Prime Minister in a strongly worded letter to set up a task force to investigate the government's community development program for Indians, which the IEA claims is "subsiding into failure."

The letter said the program seems unable to reach its goals within the context of the Indian Affairs Branch as it exists today.

The IEA asked the government to take responsibility for community development out of the hands of the Branch and entrust it to a new Indian development corporation that would coordinate the work of federal and provincial agencies.

The IEA is a national citizens' organization which has 4,000 individual Indian and non-Indian members across Canada, and 135 affiliated organizations, including national churches.

Its decision was based on a report by Ernest R. McEwen, executive director of the IEA, who concluded after an investigation that Canada's community development program for Indians has bogged down, and that for reasons arising out of history and contemporary policies, many Indians continue to look on the Branch with hostility.

Because of its long record of bureaucratic paternalism, and the weight of the past preventing change in the administrative structure, the Branch has been unable to get in close enough touch with the Indian people to make its programs effective.

The letter to the Prime Minister contained four main recommendations:

1. That the responsibility for development be moved from the Indian Affairs Branch to an Indian development corporation which could serve as an intermediary device through which the services of different provincial and federal agencies would be funnelled and coordinated. It would be a crown corporation, reporting to a board on which Indians would be well represented. Its work would be done, when possible, by similar provincially directed corporations.

2. That a task force of Indians and non-Indians be created to launch an immediate examination of Canada's whole community development program. After talks with Indian community organizations, provincial authorities, community development personnel and others, the task force would give its opinion of the proposal for an Indian development corporation, and would outline how it would work, what its goals would be and how much it would cost to run.

3. That high-level talks between federal and provincial governments be spurred forward. The on-going talks would involve the Prime Minister and provincial Premiers as well as other ministers. The talks would seek to coordinate federal and provincial services to meet the needs of the Indians and Metis. Stress would be laid on provincial responsibilities, which—the IEA contends—have not been adequately discharged. Indian leaders and grassroots Indian organizations should be brought into the talks from start to finish.

4. That an Indian cultural development program be planned, to include education services that would give full recognition to Indian traditions, languages and ways of life, an Indian college to give form and meaning to the aspirations of the Indian people and the establishment of chairs in Indian culture and research at major Canadian universities.

The letter also urged that Canada should apply for membership in the Inter-American Development Institute to which most countries in the hemisphere with significant Indian populations belong.

Although, under the terms of the proposal, the Indian Affairs Branch would relinquish the development job, it would keep on with the important work of safeguarding Indian lands and treaty rights.

For more than a year, the concern of the Indian-Eskimo Association of Canada over the low attainment and apparent decline of the government's community development program in Indian communities has continued to mount, the letter to the Prime Minister said.

Correction

We have been advised by professor D. M. L. Farr, Dean of Arts, Carleton University, that M. Paul Friesen, Author of "Bitter Body," the subject of an article review in our last issue by Marcus Van Steen, was at one time enrolled as a student at Carleton, but was at no time a member of the Faculty. — Ed.

The Rights of others

HUMAN RIGHTS NEED VIGILANT ATTENTION amid the developing complexities of modern life. Young people—that generation which has received its high school or university education in the sixties—have the right to be heard from, and adults have the responsibility to listen. People brought up alongside computers have new ideas about their personal role, and possibly about the extent and force and nature of human rights.

We live in the midst of a "revolution of rising expectations." People have come to entertain new expectations about the things they should have a chance to do and enjoy and the place they should rightfully occupy in their societies. Every one of a democracy's fundamental principles commits it to welcoming this interest by young human beings in the lives to which they may aspire.

Thinking about human rights should develop in citizens a sense of their human responsibilities. You cannot expect disinterested activities, spacious thoughts and

clear vision to arise in people who normally put their personal comfort above the necessities of their environment. To enjoy human rights they must deserve them by caring deeply about the rights of others. . .

It remains to give effect to the principles that were enunciated in the Universal Declaration. Meantime, we remain in a dusky, debatable land, in which the virtues have a twilight dimness. We are not uncertain about their validity, but we are hesitant about acting to make them effective. . .

A start has to be made. A Frenchwoman was told about the miracle of the martyred St. Denis; first bishop of Paris and patron saint of France, who walked five miles carrying his head under his arm. She said: "The distance was not important; it was the first step that counted."

— The Monthly Letter,
Royal Bank of Canada

COMMISSION ROUNDUP

by ARNI ARNASON

The Rights of Older Workers

IN JULY 1966, THE ONTARIO LEGISLATURE PASSED THE AGE DISCRIMINATION Act in recognition of an increasingly apparent need to protect the rights of older workers to be hired and to be secure in their employment prospects.



The rapidly developing commitment to the technological advantages of automation, coupled with the increasing flow of trained youth into the labour market, has sharply underlined the problems

which older workers are encountering in their efforts to maintain a secure position in the employed labour force.

Most older workers who are presently employed will likely continue to be employed, performing satisfactorily, until the time of their normal retirement. Their knowledge, experience, judgement and proven adaptability will assure them a continuing, significant role in the productive labour force. Where employment policies are based on merit and one's ability to do a job, the tenure of most older workers will remain secure.

However, due partly to temporary dislocations, which occur when technological and organizational changes are initiated, and due partly to an unexamined acceptance of the myth of youthful superiority, a growing number of older workers are finding themselves out of work and being denied the opportunity of competing on an equal basis for available employment. The reason for their dilemma is usually not their lack of skill or competence or capacity to learn or proven adaptability, but simply their chronological age.

The Age Discrimination Act, administered by the Ontario Human Rights Commission, affirms the principle of merit employment and provides that no one shall be discriminated against in obtaining employment or subsequently in any condition of employment solely on the basis of chronological age. No one shall be excluded from or denied full participation in the membership of a union because of age.

In the four years prior to the passage of the Act, the Commission had received numerous requests for assistance in situations involving age discrimination, including 23 written complaints from older workers living in 8 different Ontario

cities. Since the Act was passed, the Commission has noted a steady, though not alarming, rise in the number of formal complaints. During this first year the Commission investigated over fifty complaints under the Act and through conciliation, arranged settlements in a good proportion of them; some involving immediate reinstatement in employment.

From the early stages it became clear that, while the ensuring of compliance with the provisions of the Act, on a case to case basis, would continue to be a primary administrative responsibility, the growing dimensions of the problems are such that comprehensive program of public education would be required if the majority of disadvantaged older workers were to be assured equality in employment.

Fortunately, this fact has been recognized by other agencies of government and community organizations and a concerted effort to come to grips with the problems of older workers seems imminent and promising. Common concern over the problems of the older worker has prompted discussions and liaison between the Commission and such organizations as the Canadian Manufacturers Association, Labour Unions and the Federal Department of Manpower and Immigration. Such consultations will certainly continue and develop in terms of purpose and co-operative action.

Press Survey

For its part, the Commission has begun to evaluate the findings of research and experience in this area. During December, 1967, the Commission conducted a comprehensive survey of discriminatory age specifications contained in employment advertisements of the classified section of 318 Ontario newspapers. 43 dailies and 275 weeklies were surveyed and a total of 2,444 advertisements with discriminatory age specifications were noted. Toronto dailies carried 1,269 of these advertisements and 512 of them had been placed by personnel agencies.

Educational programs and materials will continue to be developed. The Commission has conducted seminars on the problems of older workers and has produced a pamphlet, *The Older Worker*, which reflects the philosophy behind the



ONTARIO

THE AGE DISCRIMINATION ACT, 1966

Statutes of Ontario, 1966
CHAPTER 3

administration of the Age Discrimination Act. It has been distributed widely and a French language edition will be released shortly.

During the early part of 1968, the Commission will sponsor a conference dealing specifically with the effective means of guaranteeing the rights of older workers. Representatives from labour management, voluntary groups, the academic community and agencies of various levels of government, will be invited to participate in a working conference to hammer out new guidelines for dealing with the problems of older workers. Representatives of agencies with years of experience in the successful administration of age discrimination legislation will serve as key resource people. Provinces such as British Columbia, which have age discrimination legislation in their books, as well as those who are contemplating the enactment of such legislation will be invited to send observers. 1968, declared International Human Rights Year by the United Nations Assembly, may well be marked in Ontario by significant advances in the efforts to safeguard the rights of older workers.

HUMAN RELATIONS

Vol. 8 - March, 1968 - No. 1

Published by

Ontario Human Rights Commission

Hon. DALTON BALES, Q.C.

Minister of Labour

LOUIS FINE, LL.D., Chairman

THOMAS M. EBERLEE, Secretary

DANIEL G. HILL, Director

JOYCE APPLEBAUM,

GORDON GREENAWAY,

LITA-ROSE BETCHERMAN,

Members

Address all correspondence to:

Ontario Human Rights Commission

74 Victoria St.



Toronto



HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

Vol. 9

April-May, 1969

No. 17



CA2 ON
L72
H85

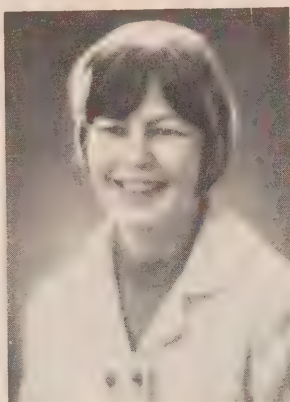
PHOTO BY PAUL BAICH

THE RIGHT TO LIVE IN DIGNITY

(page 7)



George A. Brown, M.S.W.



Mrs. Drue Batten, B.A.



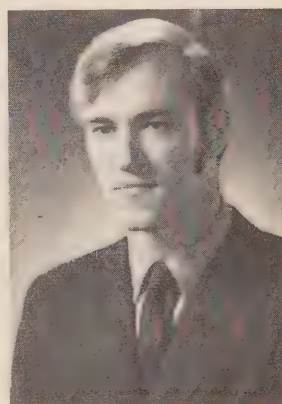
A. M. Little, M.S.T.



Bruce J. Lenton, B.A.



Patricia J. Honey, B.A.



Brett Mann, B.A.



Gerald A. Piper, B.A.



Florette Yvonne Osborne, B.A.



Pierre Brien, M.A.



Paul Dobson, B.Sc.



Mrs. Susan S. Misiewicz, B.A.



Trevor W. Berry, B.A.

Staff Changes

THE PAST YEAR HAS SEEN A NUMBER OF changes in and additions to the Commission's staff. With great regret, the Commission lost the services of Robert W. McPhee, Michael J. Marentette and Arnold S. Arnason. Mr. McPhee, who had operated and supervised the Northern Regional Office since March 1966, left in September 1968 to become a special assistant to the Honourable Robert Andras, Minister without Portfolio in the federal government. Mr. Marentette opened the Windsor-Chatham Region Office in September 1965 and left in August 1968 to study Community Organization at the School of Social Work, University of British Columbia. Mr. Arnason served as Administrator of the Age Discrimination Act from March 1967 to January 1969 when he left to take a position with the Alcoholism and Drug Addiction Research Foundation. Their places have been taken by Gerald A. Piper in the Northern Regional Office, George K. Lewis in the Windsor-Chatham Regional Office and George A. Brown who has been appointed Acting Administrator of the Age Discrimination Act.

SEVERAL NEW MEMBERS HAVE BEEN added to the staff of the Toronto Regional Office. They include Florette Yvonne Osborne and Paul Dobson who joined the staff in January 1969, Mrs. Susan S. Misiewicz and Brett Mann who were appointed in July 1968. Patricia Honey and Trevor W. Berry, who joined the staff in July have been appointed to the Age Discrimination Act Division and the Division on Special Projects, Education and Research respectively. Bruce Lenton joined the staff of the Northern Regional Office in June 1968 and Mrs. Drue Batten has become Research Librarian in charge of the Commission library.

Pierre Brien was appointed to supervise the Ottawa Regional Office in the fall of 1968.

THE MOST RECENT ADDITION TO THE Commission's staff is A. M. Little who joined the Age Discrimination Act division in February 1969. Mr. Little is a graduate of Ottawa Teachers' College and holds a B.A. from Queen's University, and a B.D. and Master of Sacred Theology from Oberlin Graduate School of Theology in Ohio.

Rising Tension and Conflict in the City Streets

ALBERT WARSON *

PREJUDICE AND HOSTILITY . . . LACK OF UNDERSTANDING AND REASONABLE opportunities . . . exploitation . . . frustrated hopes and aspirations. These are the grievances observed and experienced by racial and ethnic minorities in downtown Toronto.



Albert Warson

These are the grievances they share against a society that seems insensitive to their needs.

Angered and thwarted in this way, they are in substantial and sometimes violent tension and conflict — especially among the youth.

This is the essential finding of a report submitted to the Ontario Human Rights Commission recently. The author of the detailed study is George A. Brown, who is at the University of Toronto School of Social Work last spring when the Commission invited him to do the survey. He has since been appointed to the Commission staff.

The subject of his assignment: community tensions and conflicts among youths of different ethnic and racial backgrounds in downtown Toronto.

The boundaries of his study: St. Clair Avenue West, the Lakefront, Yonge Street and Dovercourt Road.

He interviewed some 30 social workers, police officers, priests, probation officers, community centre directors and others familiar with the problem during a six-week period last summer.

For another three weeks, he observed the youth in these neighborhoods; in dance halls, pool halls, restaurants, corner stores, on street corners and elsewhere. At times he watched them fighting. And he talked with many of them.

He found a commonly shared substantial level of grievance against the dominant society and its agencies among these youths and their parents.

These common grievances were also turned inward, to produce tensions and conflicts between one minority and another and between parents and their children.

The most tensional relationships, Mr. Brown discovered, were between Protestant Anglo-Saxons, Italians, Portuguese, Negroes, Jews, Poles and to a lesser degree, Chinese.

*Mr. Warson is a public relations consultant and free lance writer. He was formerly a staff reporter for the Globe and Mail.

Findings

IN HIS REPORT, MR. BROWN NOTES THAT these groups aspire to social and economic improvement; they long for opportunities to share contemporary goals and benefits.

The more they are denied this, the more unyielding their interactions will become, the more aggravated the problem.

Thus, he reasons, "where these groups coexist in mutual frustration in the same neighborhood, under more or less deprived conditions, tensions and conflicts seem inevitable."

This conclusion is put into perspective by a section in the report which traces the shifts in minority composition in downtown Toronto and the marked increase in immigration to the city each year.

The difficulty arises in the lagging quality of services tailored to the newcomers' structural needs. These services also fail to answer the demands of life in an urban industrial society.

Mr. Brown continues: "The wider the gaps between the demands of this industrial order and the structural handicaps of immigrants, together with their aspirations, the more potentially explosive the situation will become."

Mr. Brown urges the governments and voluntary social agencies to take another look at the nature and effectiveness of traditional services, planning for new ones, and respective responsibilities to newcomers.

He advocates a broader, more dynamic role for the Commission, making it more accessible to the residents in these neighborhoods.

These steps must consider both parents and youth, he suggests, because they are enmeshed in frustration, bitterness, helplessness and despair engendered by unemployment, job insecurity, underemployment, lack of education and skills and "felt discrimination."

APART FROM THESE MUTUAL PROBLEMS, the tensions and conflicts among the youth are mainly attributed to:

- Frustrations in school and/or financial difficulties producing a high percentage of "drop-outs" and "push-outs" and

for some, a lack of relevance of the school system in terms of their needs and problems.

- Unemployment because of lack of education and skills.
- Prejudice experienced from teachers, employers, police, pool hall managers and restaurant proprietors.
- Irrelevant programmes conducted by social agencies and settlement houses in the area, leading to a street corner culture and a constant search for action.
- A tendency of social agencies and other organizations dealing with youths who are "different" to aggravate their frustrations and alienations.
- "Black Power" as it is interpreted by most of the Negro youths in this area.
- Exchanges of racial slurs and insults among all the youth.
- Rivalry among Italians, Portuguese, Anglo-Saxons and Negroes for social status — usually measured in terms of fighting skill.
- Creation of "clusters" and gangs, the ensuing competition and their tendency to react, instantly and physically, to racial insults.

Mr. Brown reported the greatest concern about tensions between Italians and Jews, Portuguese and Jews, Negroes and Portuguese and Negroes and Anglo-Saxons.

Tensions between the latter two groups have in fact come to be regarded as a "Negro problem" because it has jeopardized programmes at Bathurst Street United Church Community Centre and St. Christopher House.

Mr. Brown was informed that tensions and conflicts among other minority groups are more sporadic, and attributed more to crashing parties or "party busting" by uninvited youths of different ethnic backgrounds.

"Italian and Portuguese parents forbid young girls to be outside their homes unescorted at night," Mr. Brown noted.

"Consequently, Italian and Portuguese boys are constantly searching for 'chicks' or girls among other racial and ethnic groups."

SIMILAR TENSIONS EXIST BETWEEN THE Italian and Jewish communities, according to a representative of the Jewish Family and Child Service. Jewish parents won't allow their children to date Italians and are apprehensive about their children being influenced by Italians whom they regard to be less motivated toward educational goals.

One probation officer told Mr. Brown of corresponding tensions and frequent fighting between Anglo-Saxons and Italians because of negative parental attitudes toward social mixing.

Mr. Brown's interview subjects described most of the youths involved in these conflicts as "school drop-outs, push-outs, delinquents and social and emotional casualties from deprived homes."

They reported that in one particular district, tensions and conflicts among the youth began in late 1966 with an influx of Negroes from the West Indies and Nova Scotia. The area has been plagued by fights and brawls with racial overtones since that time.

An officer of the United Negro Youth Foundation suspects hospitalization for stabbings and other injuries with racial overtones "is not given full press coverage for fear of alarming the public."

A spokesman for the Bathurst Street United Church Inner City Youth Programme said that Negroes appear to have driven the more numerous white youths away from the programme.

He attributes this to Black Power consciousness, which has made Negro boys — and girls — seem more aggressive in their contacts with whites.

The Negroes under the influence of this "new awareness" are demanding programmes which are exclusively black. This demand includes black supervisors. When these demands are refused, the youths at times resort to open vandalism.

The same youths are producing the same problem at St. Christopher House and attendance by Italian, Portuguese and Anglo-Saxon youth has declined drastically.

Negro youths are apparently able to date the "best chicks" — which provokes considerable jealousy among the white youths. There are frequent conflicts for this reason alone.

Mr. Brown cautions against dismissing these various outbreaks as part of adolescent turmoil. He suggests that together with irrelevant institutional practices, the grievances "seem to be conducive to the very kind of sub-culture which eventually will spawn social unrest in Toronto."

The Schools

Most of Mr. Brown's interview subjects, including the youths, maintained that the schools in the city are not geared to meet the special needs of the youths. Many of the youths are handicapped one way or another, but the schools are inflexible and inadequately equipped to cope effectively with these problems.

He quotes a senior Board of Education counsellor as saying that the school board is "overwhelmed by the special problems of immigrant youths."

They are just "dumped into the schools where they either sink or swim," Mr. Brown commented.

The problem is compounded by the high percentage of young and inexperienced teachers on the staffs of these schools.

The result is that Toronto schools frustrate Italian and Portuguese youths instead of helping them, according to a representative of C.O.S.T.I. and a spokesman for the Portuguese Centre.

Italian youths, for example, find themselves several grades behind because of their unfamiliarity with English. They tend to become self-conscious in the presence of much younger classmates; they chafe about their academic inadequacies and drop out of school.

The representative of the Portuguese Centre stated that although special classes in English are established for the 13 to 14 year age group, the three-month span of these classes is inadequate to give Portuguese youths a working knowledge of English.

Mr. Brown writes: "The lack of English on the part of both Italian and Portuguese youths has created communications barriers between them and their peer groups of other ethnic backgrounds. This perpetuates a lack of mutual understanding and fosters tensions and conflicts."

The tensions and conflicts may overtake the teachers, who often can be manipulated or terrorized by aggressive students.

Some of the teachers are uncertain of their true feelings about students of various racial and ethnic backgrounds. Some students feel that others are plainly prejudiced against, for example, Negro children in the schools.

In any case, notes Mr. Brown, students sense the ambivalence and certainly are aware of prejudice among their teachers.

He reports that school vocational counsellors are not always up to date on opportunities for youth under Board of Education and Department of Welfare sponsorship, according to interview subjects.

He was told that the structure and purpose of the vocational education system and apprenticeship programmes — as it relates to the youth and serves them — should be re-considered in the light of present and pressing needs.

"Little purpose is served if apprenticeship programme requirements are rigidly established at grade 10 — when most

drop-outs and push-outs occur at grade level or below.

"Although some youths are poorly motivated academically, they have creative talents which could be channeled into apprenticeship programmes flexibly tailored to meet their needs and abilities," Mr. Brown states.

Employment

A high rate of unemployment and under-employment among young adult immigrants and migrants in the study area was acknowledged by most interview subjects.

They remarked that most of the youths are unemployed because of a lack of skills and education. High drop-out and push-out levels are matched by correspondingly high unemployment rates.

Some of the youths attribute this to prejudiced employers; others blame it on laziness and personality problems.

Several spokesmen, including one from the International Institute, reported that skilled immigrants encounter discrimination, even if they master English. They are considered to be "foreigners" "different" by employers.

Many "skilled foreigners" are underemployed as elevator operators, dishwashers, factory workers and hotel waiters.

Many Portuguese job applicants have complained about discrimination by government agencies and other potential employers.

"They are denied employment commensurate with the skills and level of education because their English is not good enough to be acceptable Canadian standards."

"Then they are denied on the ground that they lack 'Canadian experience' after upgrading their knowledge of English. Most of them become very frustrated with this type of running around the familiar vicious circle," one spokesman said.

It was suggested that Canadian employers need re-orientation programmes to help them overcome their resistance to hiring qualified immigrants in domestic jobs.

It was said that neither Canadian authorities nor private employers are able, objectively, to assess educational backgrounds or skills immigrants learn in their native countries.

Interview subjects expressed concern about various obstacles immigrants face with employers and government bureaucracies which "find their language and other cultural characteristics unacceptable."

...ME IMMIGRANTS, MR. BROWN reported, like the East Indians who speak English fluently, are advised that they are "over qualified" for many jobs. Qualified immigrants, in fact, can only find menial jobs and are therefore subjected to tremendous economical as well as psychological pressures.

"The reduction in relative status as far as their present level of employment is concerned, drives some of them to mental institutions," Mr. Brown reported.

One International Institute representative said that Canada Manpower is unable to cope with the problems of most non-English speaking immigrants.

They are forced to seek employment in their own communities, where exploitation, particularly of those who are sponsored immigrants, is well-entrenched.

A representative of the Italian Immigrant Aid Society is deeply concerned about the high unemployment rate among sponsored, unskilled immigrants and troubled about the poor economic circumstances of many of the sponsors.

(Sponsors are legally responsible for the economic well-being of the ones they sponsor for five years).

She is also painfully aware, Mr. Brown notes, "that sponsored immigrants are very vulnerable to the exploitations of unscrupulous Italian sub-contractors

"They never obtain a chance to learn the English language. They become morally and psychologically defeated through the pressure of fear and insecurity, which is applied by the exploiters. They remain completely maladjusted in this society. Therefore, a kind of vicious circle is created, where ignorance, tensions and conflicts flourish."

There were criticisms of apprenticeship training programmes and the difficulties non-English speaking immigrants experience in becoming licensed and certified in order to utilize their skills.

Many Italian tradesmen, Mr. Brown was told, are unable to join unions to be paid wages consistent with their skills. The electrical union was cited as an example of this tight-door policy.

There was a consensus among the interview subjects that unions generally demand grade 12 education from immigrants seeking membership. The Department of Labour, on the other hand, requires only a grade 10 minimum for apprenticeship status.

"Thus, even though an immigrant may complete his apprenticeship training, he can still be excluded from unions and certain jobs with closed-shop arrangements."

Mr. Brown reported a conviction from his interview subjects that govern-



Here's a young fellow who is really sold on steel oil drums. Dale Martin beats out a tune on the drums for his appreciative audience at Toronto's St. Christopher House.

ment has placed too much responsibility on ethnic organizations which lack the resources and authority to correct or alleviate the varied problems faced by immigrants in the city.

They feel that most government programmes aimed at helping immigrants with jobs and upgrading skills are too selective and rigid to do a proper job.

"Above all, ethnic organizations are powerless to do anything about the exclusive policies of trade unions and professional and technical associations which often relegate immigrants of certain ethnic backgrounds to chronic underemployment," Mr. Brown observed.

The Commission

MANY AMONG THE GROUPS UNDER STUDY are apparently unaware of the Commission's existence. Some feel it is doing a worthy job; others are cynical about its operation.

Mr. Brown noted it became evident that "to a large extent, the Ontario Human Rights Commission was neither physically nor psychologically visible to a

very large number of people in the areas who are very much in need of its services."

Many of them are even unaware of their rights under the Code, especially Indians and Chinese. Others fear reprisals from employers and landlords should they make formal complaints.

Like Italians and Portuguese, some are afraid of government agencies and prefer to take their grievances to their priests and heads of their ethnic organizations in whom they have more confidence.

Some spokesmen for these groups, however, maintain that most of the injustices complained about are not matters the Commission normally deals with. Moreover, they say these kinds of injustices are very difficult to document and prove.

Others, especially among the Afro-American Progressive Association, felt that the Commission compels victims of discrimination to prove something it knows to exist.

If this were a "racist free" society, they argue, there would be no need for a Commission in the first place.

"Yet, it insists that the victims prove their case, thus always putting them on the defensive.

"They feel that the artful, subtle and polite discriminator, with his battery of expert people, just sits back and waits for the victim to go through the painful process of trying to prove that injury and injustice have taken place."

They feel the Commission should be more positively inclined toward initiating investigations or inquiries, taking the onus off victims who cannot afford the time or loss of wages to attempt a documentation of "the polite but insidious kind of discrimination which pervades Canadian society."

Mr. Brown stated that the more cynical critics of the Commission felt it should concentrate more on equal opportunities and less on rights. They have the rights, they say, but this society "is asking them to be satisfied with paternalistic tokenism in terms of jobs, etc."

Many others said the Commission was bringing justice to oppressed minorities in Toronto, although it was not able to reach those who through apathy, ignorance or complete helplessness, were not taking advantage of their rights under the Code.

Recommendations

THE GRIEVANCE LEVEL COULD WELL RISE, Mr. Brown concluded. It is therefore in the interest of all concerned to examine the factors nurturing further tensions and conflicts among different groups in this society.

"Human rights in its social, political and economic, no less than in its legal sense, should mean the equality of opportunities for all members of the society in a functional or real sense."

As minority groups feel increasingly denied these opportunities they will more and more assert their rights to negotiate with the power structure.

"Thus, a framework for developing effective institutional means for dealing with the grievances and/or aspirations of minority groups in Toronto, and indeed Ontario, should be given early and constructive consideration," Mr. Brown stated.

Mr. Brown recommended that the Commission consider:

- Exercising stronger moral force and leadership in the community to combat discriminatory practices; remove artificial barriers to equal opportunities for all and promote intercultural education.

- Acting as a catalyst, if not co-ordinator, of community development and/or organizational programmes designed to improve social and economic standards of the area residents. This would siphon off tensions and conflicts between the groups, continuously, and harness creative and constructive energies.
 - Directing some of its resources to the improvement of relations between the different groups in the area through intensive but qualitative educational campaigns. This would provide constructive channels for dealing with their grievances.
 - Working closely with schools, social agencies and churches in the area on the racial and ethnic problems between youths, which they seem unable to cope with.
 - Using persuasive methods, or assuming a "brokerage role" in the absence of legal authority, to come to grips with unions and various associations about their restrictive policies and intolerance of "foreigners."
 - Working with the Department of Manpower and Immigration, the Department of Labour and management and personnel associations on an assessment of the concept of "lack of Canadian experience" as applied to immigrants or "foreigners" seeking employment.
 - Exploring ways and means of dealing with exploitation of unsuspecting members of minority groups by their more unscrupulous compatriots in certain job situations.
 - Examining the feasibility of adopting a non-reprisal clause in the Code, to remove some of the fears which now inhibit many members of minority groups who are discriminated against from filing complaints.
 - Broadening the scope of the Commission to initiate inquiries in its own cause, where there are reasonable grounds to suspect discriminatory practices by firms in jobs, promotions, housing and public accommodations.
 - Above all, it is vital that the Commission become psychologically, physically and emotionally visible to the people in these areas.
- "Serious consideration should therefore be given to the establishment of an office of the Commission in Ward 4 — if not immediately, in the near future. "This office would not only meet and deal effectively with the growing insistence upon rights, but also with any diminishing emphasis upon duties.

"It is also conceivable that this office could assume the posture of negotiator if not moral arbiter, in group conflict and tensional situations in the area."

Mr. Brown suggested that the amount of the unemployment and under-employment in these areas be investigated soon as possible.

SOLVING THESE PROBLEMS MAY REQUIRE an investment based on long-term economic, social, political and psychological criteria — of social capital by the government alone or in conjunction with private business and industry.

He further suggested that:

- The Department of Labour consider establishing an office in the area and working closely with settlement houses, schools, and other social and ethnic organizations with good contact among the youths.
- The minimum requirements for apprenticeship training be flexible enough to meet the different levels of education reached by these youths.
- There ought to be closer co-ordination between the apprenticeship programmes and particularly those vocational schools which do not give grades.
- More research must be done on the academic requirements for certain jobs and the demand which industry makes upon job applicants.
- There should be critical evaluation of the examination procedures associated with the licensing and registration of immigrant tradesmen, especially those with language difficulties.
- Occupational training courses should be expanded to include more immigrants and other disadvantaged groups with language and other difficulties.

In the conclusion of the report, Mr. Brown summed it up succinctly:

"The provisions of adequate educational training and retraining facilities together with the development of other auxiliary services, is crucial for the process of social mobility in any industrial society.

Without these, the society will never realize its potential industrial growth and stability.

A given racial or ethnic group in a heterogeneous society can appropriate particular roles, while designating the less preferred ones to other ethnic and racial groups.

Actions like these lay the foundation for discontentment, frustrations, tensions and conflicts among groups."

The Right to Live in Dignity

HON. JAMES C. McRUER

ARE THERE SUCH THINGS AS NATURAL RIGHTS? AS A DISCIPLE OF GOODHART, I believe in natural justice and the moral law as something more than social philosophies and social developments.

I believe human rights exist because human beings are human beings with spiritual values. Our task is to give light and air to those spiritual values so that they may grow and develop.

If this is not true, why should the strong not oppress the weak and the glut-ton satisfy his greed for eat and drink while others starve.

Human rights, civil rights and civil liberties are not synonymous terms. In technical terminology they are quite different. In popular use the words are in sense little more than rhetorical terms. However they are used, they are difficult to develop as legal concepts and the reason for this is simple. Imposed on the enjoyment of rights, freedoms, and liberties is a complementary concept of human behaviour often forgotten — a concept of obligation. For example, the right to freedom of speech imposes an obligation on all those who enjoy it not to defame, the right of freedom of assembly imposes an obligation not to interfere with the right of others to live in peace, and the right to demonstrate imposes an obligation not to destroy.

Because of the relative obligatory aspects of rights, liberties and freedoms and because of the underlying philosophy the doctrine of human rights and the obligations attached to those rights, the problems involved in their protection go very much deeper than the formulation of statutory platitudes.

Statutory sanctions and even constitutional intrenchment will have little meaning without a social consciousness that will give them meaning — a consciousness that there is a moral obligation to obey the law be it constitutional or statutory because it is one that ought to be obeyed. That social consciousness is a developing thing and as a safeguard to human rights, freedoms and liberties it must continue to be a developing thing.

History is replete with pious declarations of civil rights that have had little recognisable application to a large segment of the society to which they are supposed to apply. Nearly three hundred

years ago the British Parliament declared in pompous and pontifical language certain rights and liberties as *"the true ancient and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed and taken to be, and that all and every one of the particulars aforesaid shall be firmly and strictly holden and observed, as they are expressed in the said declaration; . . ."*

This bill of rights was in some aspects a great milestone in the progress of human liberty and in another aspect it was merely a declaration of the supremacy of one class over another in a religious war for power.

The bill declared among other things that election of the members of the Parliament ought to be free but history teaches us that for two centuries and more the election of the members of Parliament was only free to certain privileged members of that society. The bill declared that excessive bail ought not to be required nor excessive fines imposed nor cruel and unusual punishment inflicted but history shows a whole catalogue of cases of cruel and unusual punishment — imprisonment of whole families for debt. The torture of sixty strokes of the lash was until most recent times a common incidence of punishment for crime. The bull whip applied to the back of a slave was recognized as lawful in the hands of the owner. Even in my life time in English courts a prisoner was not entitled to give evidence in favour of himself.

THE ENGLISH BILL OF RIGHTS WAS A bill of rights for Protestants and a denial of rights for Catholics and Jews. To this day it denies religious freedom to the sovereign.

Nearly two hundred years ago the Virginian Declaration declared as "inherent rights":

" . . . the enjoyment of life and liberty, with the means of acquiring and possessing property and pursuing and obtaining happiness and safety."

And the declaration of the independence of the United States of America declared:

"We hold these Truths to be self-evident that all Men are created equal, that



Hon. James C. McRuer

they are endowed by their creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness . . ."

The framers of these declarations had little or no concept of their general application. The slave whether he be white or black had no inalienable right to life, liberty or the pursuit of happiness nor did those privileged to enjoy these rights recognize any obligation to concede like rights to others if it interfered with the enjoyment of the rights they claimed. Even in this century the right to liberty and the pursuit of happiness was not recognized as a right to which those that worked in the coal mines of Colorado were entitled to, nor was it something remotely considered to be the right of men, women and children that worked in the mines of England, Wales and Scotland, nor is it now a right that is acknowledged in Canada as one to which native peoples of Canada are generally entitled. Society has been through history a great boiling cauldron of social change. The social process has not been unlike the process required for the refinement of gold and silver. In the United States of America the refining process required a civil war, and in our lifetime not infrequently in our society there has been violent disruption.

BUT SURELY IN THIS PART OF THE Western Hemisphere we have now reached an age of reason. An age when we can sit down and reason together. It is essential in the advancement of human rights that the process of reason prevail as the only safeguard of those rights. Sometimes I wonder if we do not most need a bill of rights that safeguards the right to reason.

*An address delivered at the National Conference on Human Rights, Ottawa, December, 1968.

In looking for safeguards for human rights we have to go much deeper than mere legislative prescriptions. We have had those for over three hundred years. Legal rules enforced by the courts are no doubt useful guides, but if based on nothing more than the mere element of the force of the sanctions attached to those rules, it may be that they will be obeyed because if not obeyed punishment will follow. But as Professor Goodhart has said, "In such case we are reacting to naked force and we shall seek to avoid obedience if it is possible." It is essential in all law and particularly in laws respecting human rights that the law be recognized as an obligation and something that ought to be obeyed.

TO ME THE GREATEST TASK AHEAD IS TO develop a public consciousness and a consciousness on the part of those who make laws and enforce laws that the individual has rights not because he belongs to any strata of society, not because he has any national origin nor because of the colour of the skin, but because he is a human being. Laws we must have but nowhere should laws unjustly encroach on or fail to safeguard basic fundamental rights.

The formulation of standards of value by which to measure unjustified encroachments on fundamental and basic rights, liberties and freedoms cannot be done with precision. Relevant and well recognized social needs produce conflicting claims but nevertheless standards must be framed. They cannot be framed on any other basis than a recognition of equality before the law and the equal value of each human being as a human being. All standards should be framed with one dominant purpose in mind — to do justice to individuals who make up the state and to promote the rule of law in the state. There is no place in our society for a doctrine or philosophy of the welfare of the corporate state as distinct from the welfare of the individuals who are its component parts. Nor is there any place in our society for a doctrine of a right of the individual or groups of individuals to inflict their will on others by violent process.

THERE IS A HIGHER DUTY ON THOSE WHO control our legislative processes than merely to pass discriminatory laws. This duty we attempted to state in the first report of Civil Rights Commission in this way:

"Apart from its being a means of protection against the invader, the sole purpose of the democratic state is to regulate and promote the mutual rights, freedoms and liberties of the individuals under its control. State power

is something in the nature of a trust conferred by the people on all those in positions of authority. While the State is an attribute of sovereignty, it is not the warden of freedom but the guardian of the right to be free. Law as the expression of the power of the State, and its enforcement, are not weapons but shields serving to protect and regulate the respective rights, freedoms and liberties of individuals inter se, from whom the authority of the State is derived."

A concept of the meaning of human rights, liberties and freedoms can only thrive and develop in a society where that concept is recognized throughout the legislative process and where those administering the laws have rules laid down for their guidance — rules designed to safeguard the rights of the individual and at the same time recognize the obligations imposed in the enjoyment of those rights. What I have endeavoured to emphasize is that not only is the power of the state in the nature of a trust but the enjoyment of rights, freedoms and liberties is likewise a trust. Laws alone cannot enforce the trust. We have to dig deeper into the social consciousness and there lay firm foundations for the operation of just laws.

WE MUST EXAMINE THE SOCIAL STRUCTURE that is the product of our social consciousness, and see how far injustice to individuals or groups of individuals is not only tolerated but encouraged because of certain advantages that will accrue to different segments of our society.

For a hundred years we denied the native people of this country a right to express themselves in the government of the country. Solemn treaties were entered into with them and if not broken by us with impunity they were certainly circumvented by the payment of a few beads, hoes and the odd plow. Millions of acres of productive land were bought for such trifles. We did not massacre these native people as was done in some other countries, but we have undoubtedly starved thousands of them to death. If all men are born equal in this country we well know that they do not stay equal long after they are born. We worry a great deal about bills of rights for those who enjoy the profits of the conquest of this continent but not much about a bill of rights for our native peoples.

Certainly our Indian population does not feel that they have had a remedy for acts done by governments which violate the fundamental rights granted to them by the constitution or by law. As Harold Cardinal made it quite clear we owe a

great debt to our native citizens that must be discharged without delay. The time for talk has run out and the time for action has come, but not for colonial action. It must be a partnership development.

I WANT NOW TO MAKE SOME FURTHER reference to the work of the conference.

We have covered wide areas. Some of these areas I cannot enter for comment. I refer particularly to those touching on a constitutional bill of rights and the creation of the office of ombudsman. Those are subjects coming within the terms of reference of the Royal Commission on Civil Rights that I shall cover in my next report. It is impossible to review all the work of the seminars and those who have participated will forgive me if I merely mention some of the submissions that have been made.

I want to make special reference to the paper prepared by Etienne Croteau on "Family and Children's Rights" in which the legal rights of children are discussed. In discussing the juvenile and family courts Miss Croteau puts her finger on the most important matter in connection with these courts when she says:

"It is impossible to over-emphasize the importance of well-qualified judges within any judicial system; no matter how carefully drafted the legislation under which he operates may be, the final analysis, it is the quality of justice administered by the court. Nowhere is this more true than in the Juvenile and Family Courts system."

One thing that was not covered in the paper that urgently demands attention is all agencies interested in human rights and the rights of the illegitimate child. For many purposes under the law the illegitimate child is a second-class citizen. In our province it can only inherit through the mother and then only if she has no legitimate children. A child has no choice whether it be legitimate or illegitimate. We ask the question why should any child be branded for life time with the badge of the indiscretions of its father and mother?

MAY I ADD MY EMPHASIS OF WHAT Madam Casgrain said with regard to equal pay for men and women. In simple justice why should a woman not get equal pay with a man if she does the same work as a man? We know there are pious legislative declarations on this subject. But Madam Casgrain has forcibly pointed out that discrimination exists in abundance and that the concept of equal pay for equal work does not in practice generally exist in Canada. Might I add to what Madam Casgrain has said and point to an area with which I have some

Continued on page eight

New Policies for New Times 1944-1969

TWENTY-FIVE YEARS HAVE PASSED SINCE THE LEGISLATIVE ASSEMBLY GAVE unanimous assent to the first of the Statutes which now constitute the Ontario Human Rights Code.

Today it seems almost incredible that the Racial Discrimination Act of 1944, which had the limited goal of outlawing the outward manifestations of discrimination, i.e. the posting of notices indicating a preference for "Gentiles only", "Christians only" or "No Jews admitted", would have encountered vigorous opposition from some sections of the community, and this despite the fact that Christians and Jews were at that very time fighting together on far off battlefields to defend the liberty of all Canadians.

Scanning news and editorial clippings of the day we find the Act described in these terms: "as an infringement of civil liberties it savors of the odious Quebec 'Adulthood Law'; 'Anti-Semitism is not to be cured by forbidding anyone to erect a sign 'For Gentiles only'; 'Carried to its logical conclusion such legislation would mean the suppression of all the peoples' liberties in an attempt to suppress the 'Jews'. The rights of the Jew will never be maintained by restricting the rights of the whole."

Another editor even saw in the legislation a threat to the Book of Common Prayer and to the old hymn containing the line "the heathen in his blindness bows down to wood and stone". "Indeed", said the editor, "it is doubtful if even the Bible itself could get by". Most serious of all in the view of one newspaper was the possibility "that even the jokes about Aberdeen would be banned from the banquet table" and that "it would be quite unlawful to announce that a St. Andrew's Night dinner was for Scots only".

PREMIER DREW UNDERTOOK TO REASSURE the alarmists that the legislation did not in any way limit freedom of speech or the right to discuss any subject which could then be discussed under existing laws of libel and slander.

So as to leave no doubt and to partly satisfy the critics, Mr. Frost moved an amendment: "That this Act shall not be deemed to interfere with the free expression of any opinion upon any subject in speech or in writing and shall not confer any protection to, or benefit upon, 'alien' aliens." (Attorney-General Blackwell, in response to a question, stated

that "the Act without the amending section means precisely the same as the Act with the Amendment".)

The Premier then came to the heart of the matter by setting out in clear, unequivocal language not only the principle of the Act under discussion, but of all the subsequent Acts which make up the Human Rights Code:

"If you discriminate against any person because of race or creed in respect of their ordinary rights as a citizen, you deny that equality which is part and parcel of the very freedom we are fighting to preserve. When we say that Canada is a land of freedom and of equality, we either mean what we say or we do not."

"If we permit signs and notices to be put up in conspicuous places, indicating that a particular group of people are denied the ordinary rights available to all other people, then those who should be most indignant are not the people against whom the signs are directed, but those whose basic principles of freedom, justice and equality have been insulted."

By giving its assent to the Bill in 1944, the Legislature really embarked upon an entirely new course in defence of the rights of all our citizens. It was, in effect, an affirmative expression by the representatives of the people that discrimination against any citizens threatens, not only the individual affected, but the very institutions and foundations of our democracy.

The concept of human rights put forward in 1944 is reflected in the several human rights statutes introduced in the years that followed: The Fair Employment Practices Act; The Fair Accommodation Practices Act; The Female Fair Employment Practices Act and the Age Discrimination Act.

IT IS NOW GENERALLY ACCEPTED THAT the Ontario Human Rights Code proceeds from its Preamble which states: "It is public policy in Ontario that every person is free and equal in dignity and rights." And as Mr. Justice Laskin pointed out in an earlier issue of "Human Relations": "the conjunction of the words 'dignity and rights' points the way to an

No. 46

BILL

An Act to prevent the Publication of Discriminatory Matter Referring to Race or Creed.

1st Reading

March 3rd, 1944

2nd Reading

March 10th, 1944

3rd Reading

March 14th, 1944

enlarged appreciation of the social, as opposed to the purely individual, implications of discrimination . . . disadvantaged groups that have an assurance of respect for their dignity will not have to wage a continuous battle to secure their individual member's rights."

IT WAS NO DOUBT WITH THIS THOUGHT IN mind that Governor Rockefeller of New York State appointed a Committee to re-examine "the laws, the administrative machinery and procedures built to the specifications of yesterdays problems in the light of todays needs." In its report to the Governor the Committee declares:

"The basic approach to human rights problems by the state was established in 1945 when the Law Against Discrimination was enacted. As the name of the law implies, the policy of the state was focused on the prevention of overt acts of discrimination.

"The prevention of discrimination because of race, creed, color, national origin, sex or age continues to be a necessary and worthy purpose. This limited goal, however, can no longer suffice as the policy of the state. Changes in our social institutions during almost a quarter-century, including increased recognition of the role of government in protecting the human rights of all individuals, the tension and social ferment which have become part of urban life, the expanding wealth of our society and the failure of minority groups to share fairly and adequately in such wealth, bespeak the need for a restatement of the policy and the purpose of the state.

(Emphasis ours H.R.)

"The Committee believes it is essential that the state and all persons within it should act affirmatively to assure that every individual within the state

Continued on page twelve

Equality of Opportunity — Not in Theory, but in Fact

by MICHAEL WARREN *

ONE OF THE MOST PRESSING, AND INDEED CRITICAL TESTS FACING THE nations of the world today, is the growing demand that the concept of human rights be translated into action that creates equal opportunity for all. Not in theory, but in fact.

Those who have been alienated and removed for generations, from the social and economic mainstream, are demanding with gathering voice, that the legislated principles and declarations of freedom and equality be realized now. As one prominent American put it — "The greatest danger to a civilized nation is the man who has no stake in it and nothing to lose by rejecting all that civilization stands for".



Here in Canada, this concern has found expression in a growing body of law at both the Federal and Provincial level.

This is particularly evident in Ontario, where, over the past two and a half decades, an extensive framework of human rights legislation has been built up, reaching into fields of public accommodation, housing, employment and other areas. These statutes are constantly being expanded and improved. They are administered by dedicated people, through a broad program of enforcement, education and research. Emphasis is placed on the process of conciliation, and on creating a climate of understanding and respect among all groups in the Province.

But, despite this "legislative promotion of human rights," pockets of prejudice and collective discrimination remain. Minority groups continue to be faced with artificial barriers to equal opportunity. We need only look to the core of our cities and our own native people for confirmation of this. Recently, the head of Ontario's Royal Commission on Civil Rights, the Hon. J. C. McRuer, in speaking of the need to develop a greater "sense of social obligation," said: "If all men are born equal in this country, we well know that they do not stay equal long after they are born."

WHILE WE HAVE MADE IMPORTANT strides toward destroying the legal founda-

tions of discrimination, we are still far short of an environment of unhampered opportunity for many people in our society. For example, the preamble to the Ontario Human Rights Code states that, "it is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry, or place of origin." We might ask ourselves:

- How relevant are these words to the immigrant who is a skilled technician but can only find work in a warehouse because he lacks "Canadian experience"? Or,
- How much meaning do they have for the Negro who has escaped the slums of Halifax, only to find himself caught in the same crushing cycle of poverty and unemployment in urban Ontario? Or,
- How comforting are these words to the Indian with only a Grade 3 education who is trying to compete in a labour market that offers fewer and fewer jobs for the unskilled and the uneducated?

It is important that these people are protected by law from discrimination in employment, on the basis of their nationality, colour or race. But, what each of them really needs is a decent job — one that affords them the "dignity" of being able to support a family and the "right" to comfortable housing. What each of them lacks, among other things, is the education and the training to qualify for a decent job. They lack the tools to compete for employment opportunities. Until they can acquire these tools, equal opportunity remains to them, a vague declaration of public policy.

Now, this is not to downgrade the significance of enlightened human rights legislation, or its effective administration. However, passing laws is only part of laying the foundation for improving the quality and equality of human life. There are many forms of injustice and inequity that bear directly on the dignity and rights of people, that may be difficult, and impossible, to eradicate by law. Unemployment that can be traced to a

lack of training opportunities; exploitation of the individual by other members of his own minority group; under-employment resulting from artificial union or professional membership requirements or restrictive job testing and classification policies; sickness and death that proper medical services could remedy; to name only a few.

These injustices will not fade in the face of a legalistic approach to human rights. They require programs of affirmative action — employers adopting and applying equal employment policies; governments extending educational opportunities; private industry accepting more responsibility for providing training and jobs for the disadvantaged and hard-core unemployed.

MR. JUSTICE BORA LASKIN, IN AN ADDRESS to the 19th Annual Conference of Commissions for Human Rights, remarked on the experience with human rights legislation in Ontario and in many American States. He said: "It has shown that in its present form, such legislation does not reach disadvantaged minority groups whose collective lives show a pattern of discrimination that cuts them off, as a group, from various kinds of employment and from decent housing. On an individual basis it is impossible to contend that a member of a disadvantaged minority group has been the object of racial or religious discrimination if he does not have the skills for a job to which he aspires, or the money to pay for the modest kind of accommodation that he seeks."

Mr. Laskin went on to say that "The effort to route out individual discrimination on irrelevant grounds . . . has provided perspective for attacking the problem more comprehensively and for greater social advantage if we are to succeed. What these considerations indicate is a need for co-ordination of policies and efforts by all agencies of government concerned with the human condition."

One illustration of this collective approach at work is the relationship that has grown up between the Ontario Human Rights Commission and the Manpower Services Division of the Ontario Department of Labour. This Division is concerned with the development and protection of the Province's manpower resources. It pursues this objective through a series of programs which include apprenticeship and on-the-job training; the enforcement of basic Labour Standards (Minimum Wages, Hours of Work); The Women's Bureau; and the Ontario Athletics Commission.

A conscious policy of collaboration between these two agencies began sev-

*Mr. Warren is Executive Director of the Manpower Services Division, Ontario Department of Labour.

years ago when Officers of the Commission reported that Indians in far northern reserves were complaining of being exploited by a number of contracting firms. Field Officers from the Labour Standards Branch joined up with the Commission's staff and together they carried out an investigation which reached into remote regions, and dealt with a wide range of complaints concerning Minimum Wages, Vacation Pay and Hours of Work. The result was that several dozen Indians received the full arrears of wages and vacation pay to which they were entitled.

For the Indians involved, this direct action spelled the end of a cycle of exploitation to which they had been subjected for many years. For the Labour Standards Branch, it was an opportunity to extend the protection of Minimum Wage, Hours of Work and Vacation Pay legislation, to a group of people who had little or no bargaining power and were in genuine need of this protection. By being directly involved in bringing about the removal of one of the causes of local resentment, the Commission staff were able to gain more of the trust and confidence of the Indians in the area. As a result, Indians began to "open up" to the staff about other problems, and take a greater interest in the Commission's programs.

Today, these two agencies continue to work closely together in applying Ontario's basic Employment Standards to Indians and ethnic minorities in many parts of the Province. The Labour Standards Branch takes advantage of the Commission's close contact with Indians and other groups, and of their familiarity with local conditions when organizing regular inspection tours of Indian Reserves and work sites. The staffs of the two agencies have recently developed a team approach at the field level in Northern Ontario — supporting each others activities — and benefiting from the multiplier effect that comes from this kind of interaction.

IN ADDITION TO STANDARDS OF WAGES AND working conditions, the Labour Standards Branch is also responsible for licensing the Province's private employment agencies. This serves as another source of active collaboration. The Branch fully supported the Commission in its efforts to obtain a voluntary agreement from these private employment agencies, pledging their co-operation and direct action in advancing full and equal employment opportunity to all qualified workers. In consultation with the Commission, the Branch reserves the right to withhold or deny a license to any agency that is found to be in contravention of the Ontario Human Rights Code.

THIS SAME PATTERN OF PARTNERSHIP is growing up between the Commission and the Division's Industrial Training Branch. While Industrial Training had been involved for several years in sponsoring in-industry retraining and upgrading for the unemployed and underemployed, it wasn't until early 1968 that they became active in promoting in-plant training for Indians. This development followed on the heels of a closer liaison with the commission over the training needs of Indians in the Kenora area, and the subsequent appointment of a training officer in the Branch responsible for working with Indian organizations, and with Federal and Provincial agencies in the field.

DURING THE PAST YEAR NEARLY A DOZEN on-the-job training programs have been established which are specifically aimed at providing Indian trainees with marketable skills. The firms, that have contracted with the Federal and Provincial Governments to provide this training, include mining, lumbering and construction companies, as well as employers in need of trained workers to manufacture snowmobiles and repair small engines.

One program of particular interest is an experimental project which is being carried out in co-operation with the Federal Department of Indian Affairs and Manpower, and the Provincial Department of Education. Indians in a particular Band are being given pre-apprenticeship training to upgrade their basic education level to qualify them as carpentry apprentices. Once this phase is completed they will undergo on-the-job training while working on the construction of buildings on their own reserve. Local unions have pledged their co-operation in the scheme. If this pilot project is successful it may eventually be expanded to other trades and other reserves, as a practical means of providing trades training in Indian communities.

Certainly there are difficult problems to overcome. None of the Indian trainees have anything resembling the level of education required for normal entry into trades training. So, they must receive considerable educational upgrading first. And, even with this, the educational requirements have to be viewed with some flexibility. There are also the problems of language, communication, and co-ordination with a number of other governmental agencies.

Those organizing these projects must recognize that often the *Indian does not respond* culturally to the demands of the industrial situation. His customs and training are often incompatible with the needs of the labour market and his employer. He is accustomed to the co-opera-

tive society of the Indian community and not the competitive society of the white man. The foundation of his culture is the concept of sharing — one which created a value system which often collides head on with the values of our industrialized society. This social and cultural difference must be taken into account in the design, application and evaluation of vocational training for Indians.

THE COMMISSION AND THE INDUSTRIAL Training Branch plan to join in developing a research program that will probe the effectiveness of these current efforts to train Indians in-industry. Is this training really meeting the needs of the trainees and employers? Are special support services needed to help the Indian bridge the cultural gap and adjust to the Industrial setting? These and other questions require answers.

As with Labour Standards, the development officers and apprenticeship counsellors of the training branch are teaming up with the Commission's staff, in presenting their services to the Indian people, and in formulating concrete plans for action at the local level. In addition the Branch is trying to develop more flexible schemes for dealing with trade requirements, and for expanding the support available to employers who undertake industrial training programs for Indians.

It is obvious that a great deal more must be done in both the private and public sectors if equal economic opportunity is to be realized for our native people. The Hawthorn-Tremblay report revealed that 61% of Indian wage earners in Canada are employed fewer than six months of the year. Only 14% held skilled jobs. Of those who were employed, half worked in resource based industries where job openings were diminishing, mechanization was on the increase, and those people who lacked the education and capital were being squeezed out.

The report urged that the main emphasis in economic development for Indians should be on education, vocational training and techniques of mobility to enable them to compete for salaried jobs in the labour market. It is stressed that Indians must be allowed to choose their own way of life. But, to increase the choices open to them, to help them establish themselves in the labour market and adjust to the demands of the urban, industrial society, they need special consideration and assistance. The report suggests that it is no longer acceptable for us to expect the Indian to compete freely, by our standards, for jobs and housing, without preparing him for this competition on an equal basis with whites and others.

(Continued on page 12)

The importance of education and training in achieving equal employment opportunity is further illustrated by the comments of H. C. Lockwood of the Lockheed Aircraft Corporation, regarding the current situation in the United States: "Not all of the critical problems in providing equal employment opportunity lie ahead of us. Three or four years ago the problems looming largest would have been how to eliminate discrimination in employment and the acceptance of minority personnel in occupations which formerly had been closed to them. A massive breakthrough has been made on both of these fronts and, even though there is still much to be done, elimination of these problems seems assured."

"But now that the doors of opportunity have been swung wide open, far more serious problems have become all too apparent. Because of many years of discrimination and rejection, many minority individuals are very poorly prepared educationally and even psychologically, to accept their new role."

IN ADDITION TO ITS WORK WITH INDIANS, the Industrial Training Branch is engaged in many other activities that bear directly or indirectly on equal opportunity:

- Each year the Branch's short-term, in-industry training programs, provide thousands of unemployed workers, many of whom are from minority groups, with new and more marketable skills. In each case they receive both training and a job. They earn while they learn, with the Federal and Provincial Governments, as well as the employer, contributing to the costs of training. Over the last three years, more than 15,000 unemployed or under-employed have benefitted from this program.
- The Branch plans to examine the problems that young people in urban minority groups seem to be facing in trying to gain entry into apprenticeship and trades training.
- More than 50,000 people are counselled, annually, regarding their trade certification, examination and apprenticeship training, by the Branch's staff. Special emphasis is placed on helping new Canadians. Translation and interpretation services are available, and Counsellors service the public in more than eight different languages. In addition the Branch works closely with many organizations concerned with the adjustment of the immigrant to Canadian society.
- The Branch has initiated, in co-operation with several other Government departments, and the International

Institute, a pilot project to test a new approach to occupational English language training for immigrant tradesmen. It is designed to provide the immigrant with English that is directly related to his occupation, in an attempt to increase his employability and his mobility. If successful, it will also allow the Industrial Training Branch to establish a more effective system of evaluating and certificating immigrant tradesmen.

The Women's Bureau also has a fundamental concern with human rights — more particularly the social and economic equality of women. The Bureau pursues an active program of counselling, education and research aimed at promoting the fuller utilization of our female human resources. This program is carried out in close co-operation with the Human Rights Commission. The Director of the Bureau acts as a Member of the Commission and the two agencies share a joint concern for the important area of women's rights in employment. The Bureau also works closely with Labour Standards in the administration of that Branch's Equal Pay for Equal Work program.

Yet another dimension of this collective approach can be found in the work of the Ontario Athletics Commissioner. For several years, the Athletics Commissioner has made special effort to extend programs of assistance for amateur sport to Indian communities, but with only limited success. Now, working with the Human Rights Commission and using their contacts and experience, the Athletics Commissioner plans to develop, in consultation with Indian spokesmen, an experimental program of athletic assistance that would be formulated, administered and directed largely by the Indians themselves.

WHILE TEAM ACTION BETWEEN THE Manpower Services Division of the Department of Labour, and the Human Rights Commission, is still in the initial stages and much of what is now underway has yet to produce tangible results, it is clear that for each of these programs to be fully effective they must interact with each other. To realize the objective of equal opportunity, the Human Rights Commission must work through public and private agencies that are concerned with training, education, welfare, housing and the many other services that are so essential to this end. If we are to move beyond the immediate current emphasis on individual discrimination to an attack on the bases of collective action on the part of all those responsible for the various elements of equal opportunity.

Recently, Prime Minister Robert Trudeau touched on the essence of the struggle for equal opportunity when he declared: "Human rights and human dignity in Canada, as elsewhere in the world, have not, and are not likely to be, realized by lofty rhetoric, even when enshrined in a constitution. They are achieved by the relentless forces of social change and by our timely response to them. It is a question of giving substance to words by taking positive, constructive action."

This is clear recognition of the responsibility of government, working together with business and community organizations to open up the road to achievement for the disadvantaged people in our society.

New Policies for New Times

Continued from page nine

is afforded an equal opportunity to enjoy a full and productive life.

"Failure to afford any individual within the state such equal opportunity, whether because of discrimination, prejudice, intolerance, indifference, or inadequate education, training, housing or health care, should be recognized as a threat to the institutions of the state and destructive of a productive, open and democratic society.

"The adoption of these policies should chart the course which must be followed by the state and its citizens in the years ahead. Their implementation would ensure the state's position in the vanguard of the cause of human rights."

READERS OF THIS ISSUE OF "HUMAN RELATIONS" will be gratified to find that the views of the New York Committee are reflected in the larger role being assumed by our own Commission in guarding the dignity and rights of our people.

We live in new times and public policy must keep pace with social change. The law, as Mr. Justice Laskin has pointed out, must provide an atmosphere and an opportunity for disadvantaged persons to achieve that equality which the law itself at present may not be able to guarantee.

We have come a long way in the field of human rights in the past twenty-five years. But, as the late Mr. Justice Cardozo said in his "Growth of the Law" *"Existing rules and principles can give us our present location, our bearings, our latitude and longitude. The Inn the shelters for the night is not the journey end. The law, like the traveller, must be ready for tomorrow. It must have a principle of growth."*

Canada's Native People — Their rights have been denied*

PROF. K. LYSYK

AN INTRODUCTORY NOTE TO THE MOST RECENT NUMBER OF THE Journal of the International Commission of Jurists, the Secretary-General of that organization states that:

"Human Rights are no longer a stray collection of moral principles which ought to influence the legislature. Every human right can be legally defined, interpreted and implemented; human rights now form a coherent body of law."



K. Lysyk

It is this theme of the relationship between human rights and the law that I wish to explore — not in general, philosophical terms, but in relation to the laws in force in this country and the human rights of a particular group of Canadians, the Indians and Eskimos.

It will not be necessary to enter upon precise questions concerning the definition of particular "human rights". Instead, I shall make reference to three or four articles in the Universal Declaration of Human Rights, proclaimed by the General Assembly of the United Nations in 1948.

The human rights I shall refer to are not the only ones which invite comment, and I should perhaps make particular mention of one topic that I am omitting. I have in mind Article 25(1) of the Universal Declaration which states that:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

Few will deny that conditions of life for most of Canada's native peoples fall far short of meeting this standard. The statistics speak for themselves. I by-pass this aspect of human rights, not because it is unimportant — but because the consequences of economic underprivilege are not borne by Canadians of native ances-

try alone, and also because, with one qualification I shall add in a moment, it does not appear to me to be essentially a legal problem.

THE QUALIFICATION IS THIS: THE PROVISION of the kind of services contemplated by Article 25 of the Universal Declaration is, in Canada, a matter which falls generally within provincial, not federal, responsibility. But there has been a widely held assumption that provincial laws of this kind could not extend to Indians on reserves. The reserve has sometimes been regarded as a sort of enclave of foreign territory, so that provincial laws of any kind, and provincial services, it is said, must stop at the boundaries of the reserve. I have attempted to show elsewhere (see Hawthorne-Tremblay report) that this "territorial theory", as it were, could not be justified as a matter of constitutional law, and that the explanation for provincial policy must be found in historical and political — not constitutional — considerations. In any event a section of the present Indian Act, dating back to 1951, has the effect of delegating any necessary constitutional authority to the provinces. But tradition dies hard, and the slowness on the part of provincial governments to admit their responsibilities toward Indians — in particular, reserve Indians — has contributed to the plight in which the latter now find themselves.

I do not wish to be misunderstood. I do not say that the federal government should abandon Indian affairs to the provinces. For one thing, under the constitution the power to legislate for the administration of Indian lands is exclusively a federal matter, and there is nothing in the Indian Act to alter that situation. But putting to one side reserve management and land questions generally, I would not wish to be interpreted as saying that the federal government should be absolved from responsibility for the welfare of Indians, or even that it should be absolved from that responsibility at such future time as it might be shown that Indians in all the provinces had achieved the benefit of all the services extended to non-Indian residents of

the provinces. There would still be a continuing federal responsibility to provide supplementary services.

EVIDENCE ACCUMULATES THAT IN AREAS such as education and employment, bridging the gap between the position occupied by the group with the lower social and economic status on the one hand, and the rest of society on the other, will not be accomplished merely by removing legal obstacles to equality of treatment. Preferential treatment may be required, to take just one example, in the form of special compensatory educational programmes, and the Constitution undoubtedly justifies a federal role in such areas for the benefit of the Indian and Eskimo. But whatever the initiatives that might be undertaken by Ottawa, the provincial governments should not evade their own responsibilities to provide all native peoples within provincial boundaries with the same social services that are extended to the other citizens of the provinces.

I have touched on the matter of equality in a restricted sense — in the sense that unequal treatment arises from the simple fact that the Indian or Eskimo frequently is obliged to look to federal laws, administered from Ottawa, in situations in which his non-Indian neighbour is subject to provincial laws, and to a provincial administration. Let us now look a little more closely at this concept of equality. Article 7 of the Universal Declaration states, in part, that:

"All are equal before the law and are entitled to equal protection of the law."

The language invites comparison with section 1(b) of the Canadian Bill of Rights guaranteeing "equality before the law and the protection of the law", without discrimination by reason of such factors as race or colour.

Extended comment on this provision of the Canadian Bill of Rights would be premature at this time. The decision of the Supreme Court of Canada in the case of *Regina v. Drybones*, presently pending before that Court, will tell us a good deal about the reliance that can be placed on the "equality" clause and, indeed, on the Canadian Bill of Rights as a whole. This case involves a challenge to the validity of the liquor provisions of the Indian Act, precisely on the ground that Indians are treated unequally by being prosecuted under a different statute than would be applied to a non-Indian on identical facts. Joseph Drybones is from Yellowknife, and if he were not an Indian he would have been charged under the Territorial Liquor Ordinance, instead of the Indian Act. He can point to the fact that the

*An address delivered at the ninth annual meeting and conference of the Indian-Eskimo Association of Canada.

penalties under the Indian Act are stiffer. There is the additional fact that the Indian Act prohibition is against being intoxicated "off a reserve", and since there are no reserves in the Territories that prohibition presumably would apply to his conduct, anywhere — even in his own home!

THE IMMEDIATE FATE OF THE LIQUOR provisions in the Indian Act is of secondary importance, for it appears likely that proposed amendments to the Indian Act will include a repeal of these sections. But the decisions in the *Drybones* case may well have ramifications, beyond the immediate issue, for other provisions of federal law which might be thought to be discriminatory.

It is true that some of the more obvious examples of discriminatory laws have disappeared from the statute books in recent years — such as the voting restrictions which were dropped from the Canada Elections Act in 1960. The revision of the Indian Act now in process will no doubt see the end of some other measures which have treated Indians differently from others for reasons which are no longer convincing; the example of the liquor provisions has already been mentioned.

Tougher problems remained to be resolved in this area. There can be a question as to whether a particular provision which appears to give preferential treatment to Indians does not, in the long run, operate in a way that is disadvantageous to them. It has been suggested that this is the case with the section which prevents property situated on a reserve from being seized to satisfy a judgement for debt, because it tends to discourage businessmen from extending credit to reserve Indians.

Before I leave the question of equality under the law, may I take note of one extra-legal factor. It has to do with not the state of the law, but with popular misconceptions of what the true legal position of the Indian is. It can be a very real problem for the Indian who may, for the purpose at hand, stand in exactly the same legal position as a non-Indian, but who is dealt with differently, or perhaps not dealt with at all, because the other party misunderstands the law. It is not difficult to find examples of such misconceptions, sometimes in surprising places. To illustrate, one book on Canadian commercial law, which is widely used in teaching law to the layman, states flatly that Indians living on reserves are legally incapable of binding themselves by contract, even for necessities. This statement is very misleading because in general the reserve Indian has exactly the same capacity to enter binding contracts that anyone else has. Moreover, like anyone



PHOTO BY R. HAAS

"Indians are Canadian Citizens"

else, he is subject to being sued on his contract just like anyone else. The source of this particular misconception is probably the limited exemption, already mentioned, which prevents property on the reserve being seized. But that has nothing to do with capacity to contract, or with liability to being sued. It does not even protect property situated, or wages earned, off a reserve from being seized to meet a judgement against the Indian.

Again, there is a tendency to repeat catch phrases — such as the familiar reference to those of native ancestry as being "wards of the Crown" — without stopping to inquire precisely what legal implications are supposed to be drawn from that description.

MY POINT IS SIMPLY THIS. MOVING toward equality of treatment by reforming the law is one thing. But beyond that, to promote equality of treatment by one's fellow citizens it may be necessary to devote some attention to promoting awareness of what the true state of the law is, for there are few areas of Canadian law in which misconceptions flourish to the extent they do in connection with "Indian Law" — and that is so whether one is speaking of Indians in the broad constitutional sense (which includes Eskimos), or in the sense of an Indian within the meaning of the Indian Act, or of non-status Indians, or of treaty as opposed to non-treaty Indians, reserve or off-reserve Indians.

I might just add parenthetically that sometimes an unfortunate choice of language in our laws has itself contributed to misunderstanding. For example, a section in the Indian Act provides that an Indian demonstrate his capability of *assuming* the duties and responsibilities

of citizenship. There can be no doubt that Indians are in fact Canadian citizens. To the extent this provision suggests that an Indian does not become a Canadian citizen until he gives up Indian status, it is misleading.

To return to my central theme of human rights and the law, I should like to refer once again to the Universal Declaration of Human Rights. Article 8 provides that:

"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law."

This article reflects the principle, very much part of our own legal tradition, that a right which cannot be enforced in court or other tribunal is not really a right at all in the proper sense of the word. Where there is a "right", you must have an effective remedy so that the right may be vindicated.

Let us consider this requirement for a moment in relation to another principle which lies at the very foundation of both our own system of law and of international law. It is frequently expressed in the form of the latin maxim, *pacta sunt servanda* — agreements are to be honoured. The principle is that no one should have a right to go back on his word, to repudiate unilaterally what he has undertaken to do.

WHAT DOES THE RECORD SHOW concerning agreements made with the Indians? It seems hardly necessary to remind Canadians that undertakings made to the Indians — solemn treaty promises — have been ignored, and have been broken. I need not re-trace the line of cases which have held that treaty guarantees of hunting and fishing rights have been overridden by the Migratory Birds Convention Act. Very recently a majority of the Supreme Court of Canada arrived at the same result in the *Daniels* case, an appeal from Manitoba, where there was the additional factor of a constitutional guarantee supplied by the British North America Act of 1930 — a guarantee, however, which the majority of the Court said was applicable only against provincial laws and was of no avail as against federal legislation.

But before leaving the question of hunting and fishing rights guaranteed by treaty, I should like to make one observation. I have occasionally heard it remarked that since Indians are no longer dependent on taking game and fish to stay alive, it does not really matter that the treaty promises have not been respected. But does this not make a mockery of that very principle which forms the bedrock of our legal tradition — that agree-

rights must be honoured? What, I wonder, would be the consequences if Canada decided to conduct her international relations on the basis that she would only honour those treaty promises which she thought were essential to the well-being of the country she had made promises to, regardless of what that other country might itself think about the matter?

To suggest that Indian treaty promises can be ignored, without the consent of the Indians, because those rights are unimportant anyway, seems to me to commit what our courts have pointedly described as a breach of faith, with an attitude which is suggestive of high-handed paternalism, if not downright arrogance.

WHAT OF THE SITUATION WHERE THERE have been no treaties at all entered into with the Indians, in spite of an understanding that such treaties would be negotiated? In 1912 Quebec's boundaries were extended northward to take in "New Quebec" and you will find identical provisions in the Quebec and federal statutes enacted in that year dealing with the boundaries extension whereby Quebec undertook to recognize the rights of the Indian inhabitants in the newly organized territory, to obtain surrenders of such rights from the Indians, and to bear the expense of obtaining such surrenders. And yet, more than half a century later, no treaties of surrender have been negotiated with the natives of northern Quebec.

I now return to the point at which I commenced this discussion of Indian treaties — that is, the 8th Article of the Declaration of Human Rights, with its reference to "the right to an effective remedy by the competent national tribunals." Do the Indians have the right to seek redress in the ordinary courts of law for breach of treaty promises, or for failure to negotiate treaties at all for the surrender of Indian rights?

There is, in fact, very little authority on the question of the extent to which Indian treaty promises are enforceable against the Crown. It must in any event, be recognised that there are difficult legal hurdles to be cleared — both of procedure and of substantive law — before an action brought by the Indians concerned could hope to succeed.

In the course of the foregoing remarks on Indian treaties I touched on the subject of land claims, and in connection with the latter I should like to make just one more reference to the Universal Declaration of Human Rights. Article 17 provides that:

(1) *Everyone has the right to own property alone as well as in association with others.*

Arithmetic of Shame

A FULL CENTURY FROM OUR BIRTH AS A nation, the statistics of our stewardship to the Indian comprise an arithmetic of shame.

Mel Hurtig, the Edmonton publisher, has compiled figures which illustrate the drastic dimensions of the problem:

- the death rate among pre-school Indian children is eight times that of white children.
- the life expectancy of a Canadian Indian is 34 years; the national average is 62 years.
- 46 percent of Indian families earn less than \$1,000 a year.
- 50 per cent of Indian children fail to reach Grade 7; 61 per cent fail to reach

Grade 8; 97 per cent fail to reach Grade 12 and there are now only 150 in university across Canada. (If they were admitted on a basis proportionate to white students, there would be 2,600.)

- in Saskatchewan, where they comprise 3 per cent of the population, they comprise 80 per cent of the female prisoners.

Yet despite this degradation, the Gallup Poll revealed in 1968 that only one in three Canadians felt that our national attitude to the Indians required change. Perhaps our consciences have been injured by the dozens of inquiries into Indian affairs that have reached conclusions, filed reports, made recommendations and gathered dust.

— *Toronto Daily Star*

(2) *No one shall be arbitrarily deprived of his property.*

There are two classes of problem that come to mind in connection with arbitrary deprivation of Indian lands.

One relates to questions of improper administration or wrongful disposal of Indian reserve lands. It is almost impossible to say anything useful in general terms about this type of claim, for the result will hinge on complex questions relating to the class of reserve, and the particular facts concerning the way in which those reserve lands were treated. It can be noted, however, that in this sort of case one of the major problems confronting Indian claimants is the very great practical difficulty in attempting to establish the facts within the strict rules of evidence imposed by law. It is in the nature of this kind of case that what records and documents there are will generally be in the hands of the Crown.

THE OTHER CLASS OF CLAIM RELATES TO those areas of Canada in which no surrenders of Indian title have been taken. I have already commented on the situation in northern Quebec. The greater part of British Columbia has never been formally surrendered by the Indians, and a court action concerning this very question will, I understand, be coming before the courts in a few months' time. The result will have direct implications for the Yukon, where again no treaties for surrender of Indian title have been negotiated.

I cannot now enter upon the complex legal problems which arise in connection with unsundered Indian title. But I should like to make one point which would be trite were it not so commonly lost sight of. It is simply that the question of extinguishment of native title is not one which has been unique to Canada. It

is one which has arisen elsewhere, including countries which share our common law heritage — other countries in the Commonwealth, and the United States. If this is kept in mind, if we take advantage of the opportunities for comparative study, we shall obtain a broader perspective, and this, in turn, may enable us to avoid the sort of wrong turning in the law that can so easily occur, and which can take so long to correct.

With reference, still, to this matter of the availability of effective remedies for violation of rights, there is another area in which comparative research might prove to be particularly worthwhile. The list of proposed legislation referred to in the Speech from the Throne included a bill to establish an Indian Claims Commission. Enactment of this measure will constitute the most significant development in Canadian Indian law for many years. It will be important to study the proposed legislation carefully to ascertain what changes in the legal ground rules it makes — and, perhaps, what changes might have been, but are not being made. Here we can hope to benefit particularly from the experience of our neighbours to the south, where legislation establishing an Indian Claims Commission was enacted more than twenty years ago, and where there has been a good deal of jurisprudence developed, as well, under a string of congressional enactments dealing with the claims of particular tribes.

In conclusion, I hope that I have managed to convey an idea of the dimensions of the task involved in ensuring that effective legal remedies are made available for breach of these rights, so that the law will in fact recognize these claims as rights and not merely as pleas for charitable treatment.

The Rights of Working Women

by LITA-ROSE BETCHERMAN *

AT THIS POINT IN TIME, WOMEN ARE A DISADVANTAGED GROUP IN THE WORK force in our society and there is a growing opinion that they require the authority of the law to equalize their position.



Female workers in Canada are protected against discrimination only in the area of wages and salaries; they have no legal remedy with respect to hiring, conditions of

employment such as fringe benefits and transfers, or lay-off and dismissal. All other groups who are liable to discriminatory treatment are covered by Fair Employment Practices legislation. In Ontario this is provided by the Ontario Human Rights Code. Canada ratified Convention 111 of the International Labour office which declares the principle of equal opportunity in employment for all persons including females. But when it came to translating this declaration into federal and provincial legislation, the word "sex" was omitted from the list of prohibited bases of of discrimination.

This omission was not made with any sinister intent. Canada just did not take its female labour force seriously in the late 1950's and early sixties. Women were still regarded as temporary workers, just passing through office or factory on their way to the altar. In reality this was an example of a cultural lag, for in 1961 women already accounted for over one-quarter of the Canadian labour force.

As 1970 approaches, however, it is no longer possible not to take very seriously the role of women in our economy. This is particularly true in Ontario, where 40% of the female labour force is located, for a total of almost one million women workers. A few statistics speak forcefully. Women account for two-thirds of the office workers, one-half of all service workers and one-third of sales personnel. Some industries are dependent on women. Office, schools, and hospitals would be deserted if all female workers stayed home. In 1967 the percentage of women in Ontario's work force was 32%

and rising. Economists predict that by 1980 women will be 35% of all workers. Other industrialized countries, such as Great Britain, United States, France and Sweden, have already shot past this mark.

THE PHENOMENAL RISE IN FEMALE LABOUR force participation is a result of a combination of events. At the same time as the sparse depression crop of babies hit the labour market, the business expansion of the 'fifties and 'sixties created an unprecedented demand for workers. Accordingly, the economy, here and abroad, tapped the only reservoir of labour that existed — the married woman. Today 60% of Ontario's women workers are married and the working wife has given a new permanence to the female labour force. Statistically, women can now be expected to have a working life of twenty-five to thirty years. Moreover, they are not retiring before the invasion of the labour market by the post-war babies. The numbers of working women are increasing and will continue to increase, largely because the type of work women do is expanding. The educational, health, and recreation services are growth areas of the economy, along with the commercial and financial sectors: these are the industries where women work.

Where one of every three workers is female, it is reasonable and no more than simple justice to ban job discrimination based on sex. The Women's Bureau is constantly reminded of how this legislative gap infringes upon a woman's fundamental right to work. We hear many complaints of job discrimination. For example, a female chemist complained that she had been refused work at several hospitals because she was a woman. A policewoman claimed that she had to pay a higher insurance premium than male constables to get equivalent coverage for her dependants. Recently, the most common ground for complaint has concerned discrimination against married workers — a surprising vestige from the days when the female labour force was young and single. In many plants, women are automatically dismissed at the time of marriage, with the tacit or expressed consent of their union.

In one company, forced resignation of married women was written into the collective agreement. A dismissed worker with courage challenged this policy and took her case to the Ontario Labour Relations Board; but with no violation of contract and no legislation prohibiting such discrimination, the Board understandably had to find against her.

IF THE WORKING WIFE MEETS DISCRIMINATION, the single woman fares worse. Female professional and technical workers tend to remain single (57% as compared with 40% of all female workers). They have the same commitment to life-time career as their male colleagues yet they are segregated in the lower ranks of their professions. At the recent National Human Rights Conference in Ottawa, Honourable J. C. McRuer decried the prejudice that keeps women lawyers off the bench, and added that there are women who would have made better judges of the Supreme and County courts than the men who were appointed.

Of all the working women, however, the ones most vulnerable in the face of sex discrimination are the sole-support mothers. (In 1961 there were almost 95,000 households in Ontario where a woman was the family head). While many are on welfare, others are striving to support their families. Even by the outmoded standards of the "breadwinner clause mentality", these women workers "deserve" the same job opportunities as men.

All over the world there is a rapidly growing awareness of the injustice meted out to countless women workers. International agencies like the UN and ILO have pointed the way. The 1958 ILO recommendation, referred to above, sought to abolish discrimination on the basis of sex as well as other grounds. Because sex discrimination has proved so hard to eradicate, the United Nations General Assembly, in November 1966, unanimously passed a special "Declaration on the Elimination of Discrimination Against Women", of which Article 1 deals specifically with equal rights in economic life.

The first country to legislate equal employment opportunities for women was the United States. In 1964 Congress passed an amendment to the Civil Rights Act — the famous Title VII which prohibits discrimination in employment based on sex among other grounds. The need for this legislation has been proved by the response. The enforcement agency for Title VII — the Equal Employment Opportunity Commission — reports that about a third of its case-load are sex-based complaints. These cover all manner of discriminatory employment practice

*Mrs. Lita-Rose Betcherman is Director of the Women's Bureau of the Ontario Department of Labour.

HANDLE THEIR TASK, EEOC ADMINISTRATORS have evolved guidelines, which is a basic text for other jurisdictions contemplating this type of legislation. The EEOC takes a dim view of traditional ideas of "women's work." To enlarge the range of female occupation, they interpret BFOQ (bona-fide occupational qualifications) narrowly and have ruled against separate male/female job classifications. They have also evolved a formula for the difficult problem of seniority lists; according to this formula women are eligible for "male" jobs if they so desire and vice-versa. Regarding discrimination on the basis of marital status, a Commission ruling states that an employer cannot fire or refuse to hire a married woman unless the same policy applies to a male. They have equalized employer insurance contributions, sick leave policies, and retirement ages for men and women. They have formulated maternity leave policy. With regard to classified advertisements, they have recently issued a ruling abolishing separate male and female help wanted columns. This is under appeal in a federal court.

The Commission's interpretations are being tested one by one in the courts. In the U.S., judicial decisions are crucial to the success of all human rights legislation. In the area of sex discrimination, most of the court cases involve conflict with state protective legislation. Many states have laws limiting the performance of women in the job in terms of hours of work and types of work. They date from the early days of the factory system when women had to be protected against exploitation. Today's progressive thinking holds that humane standards should apply to men as well as women. In Ontario there is parity between the sexes with respect to hours of work, overtime, minimum wage, weight-lifting limitations, as well as a few, stronger equal pay for equal work laws. Should sex discrimination in employment be made illegal here, there would be no conflict with existing laws providing for separate male and female labour standards.

FIFTEEN OF THE AMERICAN STATES HAVE legislation similar to Title VII. Most followed the lead of their federal government, but at least one, Wisconsin, included sex in its Fair Employment Practices Act prior to 1964. The case-load of complaints based on sex varies from state to state. Where the legislation is administered with serious intent there is a fairly heavy case-load. The rate of successful adjustment is quite high. In Michigan, out of 260 complaints based on sex over a two-year period, 161 were closed satisfactorily.

Title VII and the State Fair Employment Practices laws have undoubtedly improved the position of American women in employment. Their occupational horizon is higher and wider than before. A survey conducted by the EEOC shows that women now hold jobs previously held by men in 43% of the companies sampled. Similarly, since the passage of this legislation the barriers to advancement in middle management are coming down. One of the most heartening statements comes from Clifford H. Lee, Administrator of Human Rights legislation in Wisconsin. Commenting on the Wisconsin experience, Mr. Lee writes:

"Women have filed complaints regarding the denial of hire, upgrading, and transfer into job areas which were previously considered off limits. Insurance, benefit and other privileges and programs which differentiate on the basis of sex have been equalized; wage scales based on sex have been eliminated in Wisconsin and separate seniority lists have been merged. Collective bargaining provisions which differentiate between the sexes have also been eliminated. The effect has been the opening of doors to women into formerly exclusively male domains."

THERE IS A LESS OPTIMISTIC SIDE TO THE picture as well. Because of the more pressing problems connected with the race issue, sex discrimination has been pushed into the background, both in federal jurisdiction and in many of the States. Administrators frankly admit that this part of FEP legislation has low priority. The urban crisis in the United States makes this understandable but none the less unfortunate, because those who administer anti-discrimination legislation on behalf of women must take affirmative action if anything is to be achieved. Women in the work world tend to be diffident; they do not play a strong role in organized labour; they have to be taught to stand up for their rights. Perhaps the best model of affirmative action is to be found in the new Executive Order in the United States which prohibits discrimination against women workers in federal contract work. Firms that do business with the government are ordered to actively recruit women, to open all training programs to them, and even to make available part-time work. This is the kind of positive program that is necessary today to right the balance.

A new trend worth watching is the classification of sex and age discrimina-

tion together. In Michigan's FEP Act there is a separate section for these two categories. In New York State, the guidelines for sex discrimination are based on those for age discrimination. There is much logic to this position. Although sex is a permanent class while age is a temporary one, the two groups have a functional similarity in the eyes of employers. Both older workers and female workers are discriminated against on the same grounds. It is assumed that neither will work long enough to be worth training and secondly that neither has the physical stamina to do many jobs. These factors are not operative in the discrimination against racial or ethnic groups.

AN ALTERNATIVE TO ADMINISTERING SEX discrimination with age discrimination or as part of an omnibus FEP law is a separate piece of legislation for women. This has been tried in Spain. In 1961 the Spanish government passed an Act respecting the Political, Occupational, and Employment Rights of Women. This was followed up by a decree to provide for application of the Act.

It is more usual, however, for European countries to take a constitutional rather than a legislative approach to human rights, including the rights of women. While some constitutions are simply declarations of principles, others provide legal protection for the citizens. Article 3 of the Basic Law of Germany guarantees the equal rights of men and women, and can be invoked in the law courts. The Italian constitution has a provision specifically dealing with a woman's right to employment: Article 37 states that "working women have the same rights and, when they perform equal work, the same pay as working men."

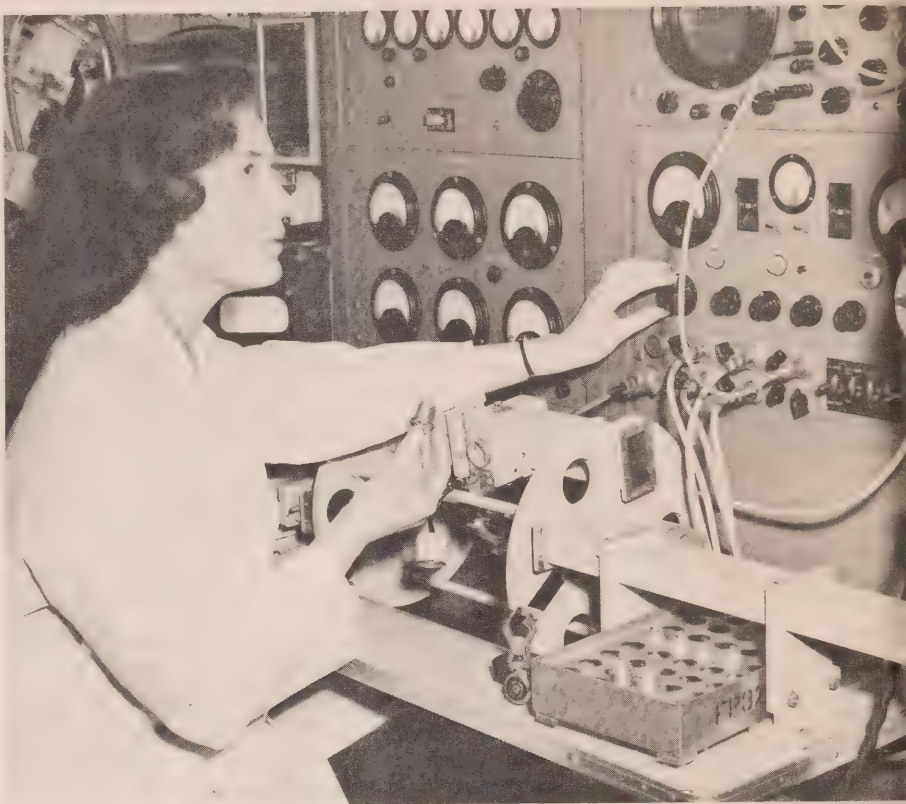
The effectiveness of constitutional protection against discrimination depends on legal interpretations. The question of what are "equal rights" is therefore decided by the judiciary. For example, a Court of Appeal in Rome in 1966 ruled that a clause in a collective agreement establishing earlier compulsory retirement for women was null and void. A German Labour Court upheld the claim of a female employee, with a husband and child to support, that she was entitled to the same household allowance as male employees. In Japan, forced resignation of female employees on marriage was ruled contrary to the constitution by the Tokyo District Court, and the company was ordered to reinstate a dismissed worker and pay her arrears of wages. Thus, in highly industrialized countries, where the importance of the female labour force is recognized, progressive judicial deci-

sions are building up a body of law which helps to serve to regulate sex discrimination.

But the difficulty in looking to judicial decisions as a source of anti-discrimination law is pointed up by a case in India. In a pharmaceutical company all female workers were required to resign on marriage, according to clearly stated terms of employment. This was first challenged by the union in front of an industrial tribunal which upheld the company. When the matter later went to the Supreme Court, the tribunal was overruled. But in the meantime, three years had elapsed, two courts had given different rulings, and a number of working women had lost their jobs. A statute and regulations would have been a more effective instrument.

IN CANADA, OVERT PUBLIC DEMAND FOR legislation prohibiting sex discrimination has been slow in coming. The Business and Professional Women's Club has been a solo voice. Now, however, the Royal Commission on the Status of Women has revealed a general feeling that such legislation is necessary. At the Commission hearings, brief after brief from women's organizations, unions, individual working women, church groups and social agencies asked for the amendment of Fair Employment Practices laws to include women. To name just a few, the list includes the Ontario Federation of Labour, the Canadian Labour Congress, the Canadian Union of Public Employees, the United Church of Canada, the Commission on Women's Work of the Anglican Church of Canada, the Federation of Women Teacher's Associations of Ontario, the Canadian Federation of University Women, and of course the Canadian Federation of Business and Professional Women's Clubs.

In 1967 the Women's Bureau interviewed a number of informed men and women in various industries and professions regarding women's employment opportunities. The consensus of opinion from this group was that sex discrimination in employment should be made illegal in Ontario. Legislation was not seen as a cure-all, but as one necessary step towards equal rights for working women. The basic argument in favour of legislation was that not only would enforcement of the law remove inequalities in many instances, but such a law, if given sufficient publicity, could serve as an educational device to lessen discrimination. Above all, most of those polled believed that equal opportunity for women is a principle which should be enshrined in our statute books.



Physical strength — formerly a limiting factor for women workers — is of diminishing importance in the modern work world, as in the testing of electronic components.

The Right to Live in Dignity

Continued from page eight

familiarity. There is not one woman on the Supreme Court Bench in Canada. I do not suggest that a woman should be appointed to the Bench because she is a woman but I do say that there are many women who are practising at the Bar in Canada who would make better judges than some of the men that have been appointed. A woman lawyer has a right to be considered for appointment to the Bench on her merits as any other member of the Bar, and only merit should be considered in making any appointment to the Bench.

One of the most important parts of this conference, if not the most important, has been emphasis on education. The splendid paper prepared on education and human rights goes deeply into the part education must play in the advancement of the objectives of the conference. If the educator is to play his full part his rights as an educator must be recognized. He must have a share in the development of the processes of education, and his efforts must not be circumscribed by forces that are more interested in perpetuating their own ideas than discovering and developing new ones. The right of the child to be educated goes far beyond the transfer of information from one repository to another.

I CONCLUDE WHERE I BEGAN. WE have celebrated an anniversary year of the international declaration of human rights. We have struggled for legislation and some legislation we have, but the right to live in dignity demands an obligation on the part of those that enjoy the right to an obligation that cannot be defined imposed by law.

The task that I see that lies ahead transcends declarations of human rights, be they statutory or constitutional. The task is one of great magnitude — the development of a sense of social obligation. Good legislation can and does, however, assist in this development. I like the philosophy of the Ontario Human Rights legislation with its emphasis on conciliation. The process of conciliation gives opportunity for the process of reason, work, and reasoning together leads to understanding and respect. On the other hand, force leads to violence and violence leads to hate and hate defeats understanding. Understanding we must have, hate we must destroy. Those of us who have indulged ourselves in the luxury of our way of life at the expense of others must be prepared to re-examine our way of life and to give to others in our society their rightful place of human dignity, their rightful share of the advancement of the society in which we live.

The Tyranny of Technology*

LORD RITCHIE-CALDER

MAJOR PREOCCUPATION OF THE 15TH GENERAL CONFERENCE OF UNESCO, is a threat of tyranny — The Tyranny of The Machine. This is not a fantasy nightmare of clanking robots striding into the House of Parliament and croaking "take me to your leader."

This is something much more insidious. We are so fascinated by gadgets that we are becoming hypnotised by them into a facile surrender of some of the most valuable of our human rights. And by hypnosis, I don't mean just the compulsive reviewing, the induced inertia which keeps one from turning the set off; I mean our child-like delight in novelty without realizing that while, item by item, technological innovations are harmless and useful, their combined effects may be destructive of the cherished values we have been discussing in Human Rights Year.

It is right and proper that UNESCO should be preoccupied because it is the specialized agency with a surcharged responsibility for the promotion of human rights, and particularly for the inalienable aspirations the *elan vital* of human rights. These are especially threatened by the Communications Revolution.

Having spent most of my adult life as a science writer extolling the virtues and excitement of new discoveries and technological achievements, I now have the envious role of exposing the dangers of impetuous innovations.

ALL THE COMPONENTS OF GEORGE Orwell's "1984" are already here; they are only waiting to be assembled.

The important principle embodied in the Universal Declaration of Human Rights is the recognition that every person is the heir to mankind's family estate and has the right to benefit from mankind's ingenuity in converting resources into material means of satisfying human needs. This goes well beyond anything that had been thought of in terms of the rights of man in earlier declarations. It brings out the essence of the 20th Century — the capacity of Man, through his science and technology, to provide for whatever rights or whatever needs, or whatever rights to whatever needs, we want to specify.

There has been an epidemic of freedom, a world wide contagion. I would remind you that this itself is a result of science and technology — the result of

world-wide simultaneous communications. People learn that other people have secured their independence and demand their own. With the awareness of political change, there has come, everywhere, another awareness—that the wit of man can do something about the primordial miseries—hunger, sickness and degrading poverty—which were once accepted by the unfortunates as their fate—Kismet, the will of the gods. But when the advanced countries boast their great scientific achievements on the all-pervading radio they create "The Revolution of Rising Expectations."

Freedom is not enough. Flags are not enough. National anthems are not enough. On the morning after liberation, the people wake up to the new dawn. They have had their excitement; they have had their dancing and their fireworks. The outgoing Governor-General has doffed his plumed hat. The imperial flag has come down. The national flag has gone up. The new Head of State has waved his ceremonial fly-whisk and everyone has rejoiced.

But now comes the morning after. They are free, but they are just as poor, just as sick, just as hungry, just as illiterate. Freedom has changed nothing except that they have a government of their own to blame. If people do not have the substance of freedom, freedom becomes a will o' the wisp. The freed slave dies of hunger in the ditch of freedom.

Freedom begins with breakfast. The aspirations of freedom—that hauling down of the flag—are one thing; the expectations of freedom, the material changes are something else.

WE HAVE TO BEAR IN MIND THAT THERE are two great revolutions happening simultaneously—the Scientific and Technological Revolution and the Revolution of Rising Expectations. They are spinning like gear wheels. The first is spinning faster and faster. The second is turning fitfully like a mill wheel driven by the winds of change.

If they could mesh they could become one and science could, and should, fulfil the rising expectations. But they do not mesh. Indeed we are in great danger of stripping the gears and splitting the world. The rich and scientifically endowed countries become richer and



Lord Ritchie-Calder

richer and the poor countries become poorer.

There is a gap, a widening gap, between the Two Worlds, the Rich and the Poor; there is a gap between the Two Generations, between the decision-makers and the young people born since 1945.

With the protest movements, *les événements*, we became aware—and that awareness dominated all our thinking at the UNESCO General Conference of Youth, with a capital Y. Some say that this has always been true—that each generation of young people have criticized their elders. You remember Mark Twain's saying "When I was seventeen, I thought what a stupid man my father was. When I was twenty-five, I was surprised by how much he had learned in the meantime."

But I suggest that in this day and age, there is a difference. We are arguing with a unique generation. Yes, unique. Every young person in the world—everywhere, in the Arctic, in the Matto Grosso, in the Himalayas, in the swamp forests of Africa, in the cities and countryside of the advanced countries—bears the brand-mark of a New Age. Everyone who was growing up during the nuclear bomb testing has in his or her bones radiosttrontium, man-made radioactivity which did not exist in the world before 1945. That is not an exaggeration. You will recall, that in the H-bomb testing, against the prediction of experts, the radiosttrontium fall-out was not confined to the testing-grounds. It came back from the stratosphere into the climatic system to be deposited by rain, all over the world. It

*Partial text of an address delivered at the National Conference on Human Rights, Ottawa, December 1968.

was picked up by our food-plants and food-animals and became part of our diet.

It symbolizes a generation which was born into the Nuclear Age, programmed into the Computer Age, rocketed into the Space Age and is now entering the Bio-engineering Age in which not only the bodies but the nature of peoples will be man-manipulated. Each of those ages—Atomic, Computer, Space, Bioengineering—is as determinant as the spacious epochs of the Bronze Age, the Iron Age, the Renaissance and the Industrial Revolution—epochs telescoped into the lifespan of today's 23 year olds.

THIS REPRESENTS AN ENTIRELY NEW time-calibration. This telescoping of the time of scientific advance is as historically significant as the spectacular scientific achievements themselves. In other words, the Manhattan Project, the programme which produced the Bomb, was as significant as the Bomb it produced. In six years, the laboratory discovery of uranium fission by Hahn and Strassman was turned into a cataclysmic weapon, with all its military and political consequences. The Manhattan Project, by mobilizing the scientists and all their knowledge, by directing the vast technological resources of the United States, by handling new materials, about which little was known and by pressing on regardless, broke open the vault of the atom and released its secret. This was the first of the great crash-programmes which have reduced the time between the idea and the achievement from centuries to decades, from decades to years and from years to months. It was the pattern for the Computer Revolution and for the Space Programme. Given determination and industrial wealth, anything can be cracked—even the gravitational fences of our planet.

It is with this speed of change as much as with the gadgets that I am especially concerned in discussing the technological threats to human rights. All speed is relative. To the jet-passenger, after the acceleration of take-off, the speed of the aircraft is unnoticeable; you relax with a cup of tea as though you were in your own sitting room on the ground. The observer down below—left behind on the ground sees the speed of the aircraft streaking through the sky. We, all of us, are passengers on the new Time-Machine and we do not notice the speed of change.

Acquiescence in innovation is dangerous, because it makes us uncritical and prepared to condone the most outrageous invasions of personal and cultural privacy.

"Acquiescence in innovation is dangerous, because it makes us uncritical and prepared to condone the most outrageous invasions of personal and cultural privacy."

LET US SEE THE KIND OF THINGS WHICH are happening: During the War, I was Director of Political Warfare in Britain and knew a great deal about the ingenuity which went into our own efforts to pry into enemy affairs and to influence them. Sometimes I was at the receiving end of the enemy's techniques. For instance, in travelling on missions to the United States and Canada, I was—and I couldn't complain; it was all part of the game—the object of persistent attention from enemy agents. In that bazaar-and-mart of wartime intelligence, Lisbon, I found that my hotel room was bugged, as we would say today. It was pretty clumsy. The microphone was concealed in a flowerpot with wires connecting it to the listening-post. I did not remove it. I just ensured that the eaves-dropper would get the information I wanted him to have—and very misleading information it was!

After the war, when I was spending five months in the Canadian Arctic, for convenience in making notes when I was all muffled up and wearing horsehide mitts, I took along a tape-recorder—very fine wire which gave 2½ hours recording on a spool, two inches in diameter. The whole thing was no bigger than a paperback book. In addition to a throat mike, fitted under my muffler to my larynx, I had an imitation wrist-watch which was a sensitive microphone. I remember the indignation of Learmonth, the Hudson Bay Factor on Victoria Island when I showed him this. He called it a "Gestapo mike". I did not use it for snooping but I sympathized with his reaction.

Today with miniaturization and solid circuits, things have gone much further. With tiny matchhead transistor transmitters—no wires—the eavesdropping set can be concealed in a cocktail olive, or stuck, like chewing gum on the base of a telephone or fitted into the lampsocket of a bedside lamp or be as unobtrusive as a button on your car-upholstery. Stethoscope microphones can be stuck by suction on a hotel bedroom wall and pick up the conversation in the adjoining room.

During the war, the famous Danish nuclear physicist Nils Bohr was helped to escape from Nazi-occupied Copenhagen. His instructions were conveyed to him in a microdot. This, no bigger than a period on a printed page was a microdot which could be enlarged to legible proportions. We smuggled him out of Sweden in the bomb-bay of a high-flying Mosquito aircraft and he joined the

Manhattan Project which was converting his own prodigious work on nuclear physics into a bomb. He was so horrified by the prospects that he insisted that there ought to be international control. Roosevelt was sympathetic but said he should go to London and discuss it with Churchill. Bohr arrived in London heavily burdened by the Allies' greatest secret. Only a handful of people knew it. He wanted advice about seeing Churchill. His friend, Sir Henry Dale, President of the Royal Society was in the classified group. But where could they discuss it? They found two metal chairs in the open expanse of Hyde Park, where they were safe from all eavesdroppers.

EVEN THE PRIVACY OF THE WIDEOPEN spaces cannot be ensured today where there are directional microphones, like sound-telescopes, which from concealment can pick up conversations at long range.

This is the age of polaroid glass—on way windows behind which people can sit, unseen, and watch what is happening in another room—the sophisticated version of the Judas Window. This is the age of the casual camera photographing people without their knowledge, and of infra-red cameras photographing in the dark. We have Peeping Tom long-range cameras, which can zoom in on our private lives, just as surveillance planes or observation satellites spy on the military installations of other countries.

Lie-detectors have become commonplace. We tend to think of them just as a useful way of catching out the guilty criminal. But whether we approve the use by the police—and I, for one, would never accept them as evidence in a court of law—it is difficult to excuse them in human or industrial relationships. Yet they are commonly used in interviewing of candidates for employment. And of course if you refuse to submit it is a presumption that you have something to hide. This is a quite intolerable invasion of privacy because a long way short of potential dishonesty or of doubtful loyalty to an employer, there are whole areas of one's private life, or thoughts, which are of no concern to an employer. A perfectly innocent person can have proper hesitations or perplexities—just "Why should he want to know that?"—and the hesitation will show up as a "lie".

We have heard a lot about the brainwashing of prisoners of war but there are similar techniques and subliminal persuasions

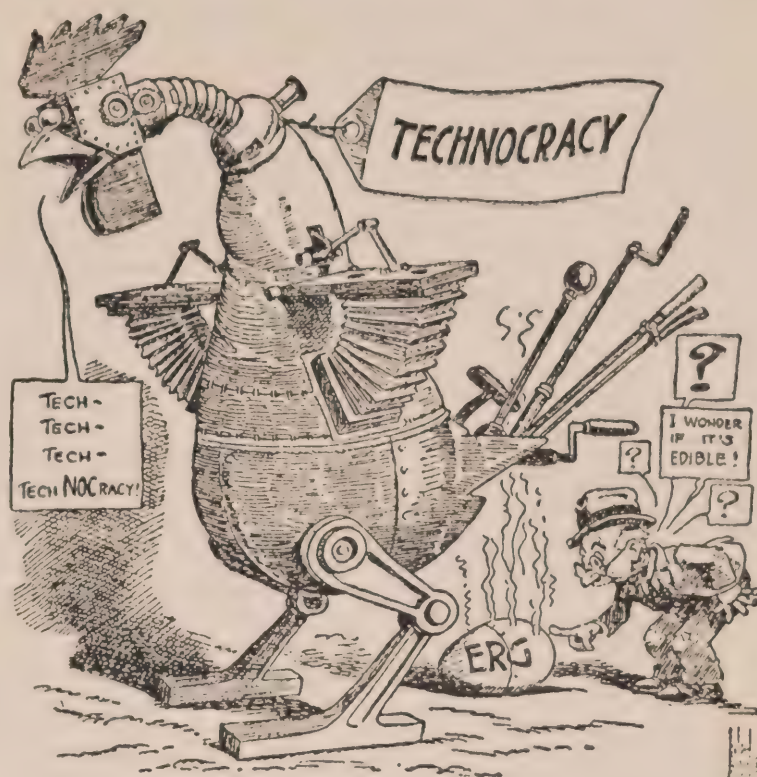
by which the subconscious of the individual is invaded and his thoughts of personality influenced. These influences are smuggled past the defences of his intelligence. Methods of which I am aware include ultrasonic waves.

THESE ARE INAUDIBLE TO OUR CONSCIOUS ear of sounds, just as the "silent" dog-whistle is inaudible to man. At sonic frequencies just beyond the threshold of normal hearing an insidious and "silent" whisper can get through to the subconscious-like signal of an unfamiliar radio-frequency band. Similarly subliminal visual messages can be concealed in films or television programmes. Such techniques are planned but anyone sufficiently ingenious to some central authority seeking to indoctrinate, could succeed. I have seen television commercials which I strongly suspected of employing subliminal techniques. Unless one could investigate at the point of preparation, it would be difficult to establish such intrusion because the definition "subliminal" means that it is undetectable at the receiving end. But one has only to consider the methods, properly used in clinical psychiatry, to know how they could be unscrupulously adapted to mass-influence.

There is another category of intruders, violators of the identity of human individuals. They are chemical. They are psycho-chemicals, or hallucinogens, the most notorious of which is LSD. But I am not talking about "hippies", dangerously and stupidly experimenting on themselves. And I am not going to elaborate on their use in chemical and biological warfare; that is a big, urgent subject which we have at last got on the agenda of the Disarmament Commission. I am talking about their plausible use of civil authorities or by unauthorized individuals. These hallucinogens are odorless, tasteless and colourless. They can produce a whole range of psychological reactions from inability to concentrate to fanciful withdrawals. People exposed to them are quite unaware of their abnormal condition but they are unable to follow the simplest instructions or resist suggestions. They are called, in military circles "off the rocker" gases. Charming!

These agents can be dispensed covertly in the air or orally ingested, like spiking a drink. And they are being promoted as possible agents for dealing with civil disorders—as police gases. They are urged as "harmless", just pacifying. Don't you believe it! Any psychopathologist can tell you that people through physiology and temperament react differently to such agents, some may suffer permanent mental and even genetic damage so that the offspring can be affected. As we know

THE TROJAN HEN



—By Ireland in the Columbus Dispatch.

HER LAST SUBVERSIVE ERG

Right Hon. Ernest Lapointe (Minister of Justice): "Mr. Speaker, I desire to lay on the table of the House an order-in-council declaring illegal an organization known as Technocracy, Inc." Hansard, June 21, 1940.

from the use of tear-gas the dispersal is indiscriminate and innocent people (and that goes for most protestors who are innocent of everything but protesting) can suffer. I hope that whenever this issue arises, we will adamantly reject these gases for police use.

But apart from battlefields or street demonstrations, these hallucinogens can be used against us without knowledge. I heard an expert recently seriously discussing a James Bond situation in which these gases could be introduced into an air-conditioning system at an international conference so that delegates could be treated and dominated.

NOW LET US CONSIDER WHAT WORRIES ME a great deal. I have some knowledge of secret dossiers including my own and I am intransigently opposed to them because the person has no means of knowing nor rebutting what is in them. It is a case of police shadow and the common informer, putting on record information which can be definitely misleading. When I once read my own dossier I thought "What a sinister, exciting chap, this fellow Calder must have been. I wish

I had known him!" My distrust of the secret dossier was shared by Lord Sankey who as a judge in the First World War had had to send German spies to execution on the strength of secret dossiers, the evidence in which could not be examined in court because it would have disclosed counter-espionage methods and sources. So he had to rely on the integrity of official witnesses. For his own peace of mind, he satisfied himself that he had not wrongly sentenced any suspected spy but it left him with a lifelong detestation of the secret dossier.

What worries me, in the Technological Age, is the dossier writ large in the form of the Master Memory, the know-all computer. It is all so plausible why we should not have a completely integrated system of information, a central registry with a complete dossier on every man, woman and child in the community, with total recall of every childhood illness, every adolescent indiscretion and every instance of adult nonconformity—a record of every aspect of an individual's life.

There was a proposal in Britain which I hope we have now abandoned, for an electronic registry, linked by a complete

"We ourselves are becoming statistics and ceasing to be people. To the authorities we have no names, no faces and no personalities. We are becoming just code-numbers in the computer."

system of telecommunications. The United States is considering a National Data Centre in which the records of some twenty or more government organizations would be amalgamated in one place. It is proposed that records be kept as files of every individual "so that the information can be as detailed and as useful as possible". Useful to whom?

IMAGINE WHAT IT WOULD BE LIKE. IN BRITAIN, we have a comprehensive National Health Service. One could have a complete health dossier, recording the childhood measles, the incipient tuberculosis at 16, the last filling and bridge which the dentist installed, the prescription for your spectacles and the breakdown you had when you were jilted. Alongside would be your police record, including your fingerprints, which you gave innocently when you applied for a temporary security job, the endorsed motor licence for driving up a one-way street, and of course the secret dossier which the security officers compiled when you applied for that security job and when they had checked up on your neighbours and the girl who jilted you. Your picture, either passport or candid camera, and the eavesdropped conversation you had with the friend whom you did not know was politically suspect. Your employment records, including the time you had a row with the boss and walked out; your social and financial status, including the mortgage on your house, your bank account and income tax returns; your clubs, your political affiliations, your educational history and so on. Each item of that information might separately be quite innocent. For instance, if you were rushed to a strange hospital, it would be eminently satisfactory if the doctors could get an instant talk-back on your medical history. And an overdraft might be evidence not of indebtedness but of credit-worthiness but in other cases (leaving out personal sensitivity) the disclosure of an overdraft might be positively damaging. But, taken out of context or in conjunction with dissimilate information it could be an utterly misleading and dangerously improper "Identikit". And I think I persuaded the authorities in Britain that, with the best will in the world, there could be no technical assurance that even with coder telecommunications access, information would not fall into the wrong hands. How many wrong numbers and how many crosslines have you had on the dialling

system lately? Imagine putting through a coded signal to the Master Memory to find out my birthday which would be in the Who's Who section and by technical error "hitting the jackpot" and getting a total recall of all the indiscretions of Ritchie-Calder!

As you will gather, I am strongly against the Master Memory and so, I am glad to say, are influential British lawyers, jealous for the rights of privacy of the individual.

You may know that the anxieties about technological threats to human rights were discussed at the Teheran Conference and that the UN and its agencies and non-governmental organizations were called upon to examine the situation and suggest the safeguards.

THERE IS ANOTHER HUMAN RIGHT, WHICH the Canadian delegate at the UNESCO General Conference so elegantly called "cultural privacy". At the 1966 General Conference we agreed that UNESCO should take an active interest in promoting the use of communications satellites for educational purposes in developing countries. A mission has reported hopefully on the possibilities for a satellite over India to further its literacy campaign, education and training for economic and social development and for instruction in family planning. This would be a ground-to-ground system, that is to say, the programmes would be relayed, like the Olympic Games, by satellite to ground transmitters for dissemination. This I think is useful and indeed commendable. The Indians in this case would be responsible for the dissemination. But in 1966 I was very worried about the imminence of direct broadcasting satellites. Those are transmitters in space, not reflectors like the communications satellites. They would beam programmes directly into the homes. I was glad that at the recent conference, with the stalwart support of the Canadian delegates, we were able to have this thoroughly discussed.

What is so different about a direct broadcasting satellite? It would be a cultural take-over bid or what one delegate from a developing country called "cultural colonialism". It would mean that the broadcasting satellite, in alien hands, could dominate the culture of another country. I am not just talking about propaganda—that is obvious. I am talking about the rights that people have

to their own culture—cultural privacy—which would be overwhelmed. I recall in the discussions how at the very first General Conference in 1946, the leader of the British delegation had said "The white light of universal enlightenment contains in its spectrum the colours of all the cultures of the world." An alien broadcasting satellite would be like a sodium street lamp; it would reduce culture to monochrome. Some delegates afterward claimed that there was no difference between a broadcasting satellite and what is already done by shortwave radio. But I was able to dig up the Convention which the League of Nations promoted on shortwave broadcasting in 1936. They recognized the radio risks. The Convention lapsed during the war and we had the propaganda war on short-wave and when it was proposed to revive it in 1954, it died the frost death of the Cold War. So we have today's competition of contending international services.

Anyway, the broadcasting satellite is a different proposition. When it gets into operation it will be too late and therefore we must insist that the Conventions controlling the programme content of broadcasting satellites must be secured as soon as possible. And UNESCO whose job it is to protect cultural heritage as well as ensure the proper use of the communications media must take an initiative. Time is short. The Communications Revolution is accelerating.


In the past men have conspired to deny others their human rights. Today these rights are threatened by impersonal forces. We are liable to find ourselves bereft of rights by machines and systems which are not evil nor tyrannical in themselves.

To me human rights means that every person has a right to his identity and his personality and to his own cultural values. He is a being; he has a name; he has kinship; he is not just a cipher in a Gallup Poll; he is a person who goes to the booth and actually votes as "John Smith".

To me, who saw Belsen immediately after liberation and who went to Auschwitz, to all the other unspeakable horrors of these places was added the anonymity of imprisonment and death—the tattoo numbers on the skins of the victims.

But we ourselves are becoming statistics and ceasing to be people. To the authorities we have no names, no faces and no personalities. We are becoming just code-numbers in the computer.

I have a deep and abiding sympathy for the protesting student at Berkeley in California with its 26,000 cipherized students. He carried a poster: "I am just a computer card. Do not fold, tear or mutilate."



This year, be a name- dropper

Here's an assignment
for you who ask, "What
can I, one lone individual, do
to affect human progress?"

No contributions.

No meetings.

No budgets.

No organizational hang-ups.

Guaranteed results

in just one day.

You don't even have

to *start* anything.

Just help to *stop*

something:

Help stop the use of
unkind names some people
use to describe people
of other races, beliefs
or countries.

Help stop the use of ugly,
inaccurate, stereotyped
references to their
appearance or
ethnic background.

You know

all the names.

Don't use them.

Don't permit your
family to use them.

Try to discourage people who
talk to you from
using them.

Human progress begins
with mutual respect.

1969 is certainly a late
date to be getting started.

But what a
vintage year it could be
for the human race
if *you* take on
this simple assignment.

Commission Roundup

by DORENE JACOBS

THE ONTARIO HUMAN RIGHTS COMMISSION HAS BEEN EXTREMELY ACTIVE during the past year. The case-load continues to increase with special emphasis on housing and employment cases.

A major re-organization of the Commission's administrative structure has taken place during recent months and it is now functioning on a regional basis. The four regional areas are Metropolitan Toronto, Northern Ontario, Ottawa and Windsor-Chat-



ham. In addition, two divisions have been set up, one to administer the Age Discrimination Act and the other, a new section called Special Projects, Education and Research. It is hoped that this new approach will enable the Commission to cope adequately and effectively with the increasing case-load and educational demands which are being made on the staff throughout the province.

A new program based on the needs delineated in George Brown's report, described elsewhere in this issue, will be developed in downtown Toronto in the area heavily populated by immigrants from Europe and Negroes from the Maritimes and the West Indies. The program will be co-ordinated with the Manpower Services Division of the Ontario Department of Labour.

IN THE PERIOD FROM APRIL 1 TO December 31, 1968, the Commission staff carried out 71 speaking engagements, including several radio and television broadcasts, and participated in 26 conferences. Some 200,000 pieces of literature were mailed out in response to 3,200 requests. During 1968, designated by the United Nations as International Year for Human Rights, the Commission participated in a number of special projects undertaken to mark this occasion.

The most significant event was the National Conference on Human Rights held in Ottawa from December 1 to 3. Several of the important addresses delivered at the Conference appear in this issue. The Commission was represented by an official delegation headed by the Honourable Dalton Bales, Minister of Labour; T. M. Eberlee, Deputy Minister of Labour; Dr. Daniel G. Hill, Director of the Commission; Frank W. Callahan, Q.C., Senior Crown Counsel of the Department of the Attorney-General and

Solicitors E. Marshall Pollock, Robin A. Scott and Blenis Wright, all of whom have been closely associated with the work of the Commission.

A major result of the conference was the establishment of the Canadian Council for Human Rights. This action was supported by the Ontario delegation which expressed the view that an important function of such a body would be to receive reports from government human rights commissions and agencies administering human rights legislation regarding their progress and work.

THE WINDSOR ADVISORY COMMITTEE ON Employment which was established under the chairmanship of Mrs. Cameron H. Montrose as a special project for International Year for Human Rights to advise the Commission on employment opportunities and problems affecting minority groups in the Windsor area is nearing the completion of its work. It has heard briefs from community ethnic groups as well as representations from the Department of Manpower and Immigration, Canada Manpower Centre and trade union officials. It is now preparing its recommendations and will soon submit its report to the Commission.

The two-year study of social studies text books used in Ontario Schools which was undertaken as a special project for International Year for Human Rights in co-sponsorship with the Ontario Institute for Studies in Education of the University of Toronto is proceeding. Dr. G. L. McDiarmid, Assistant Professor of the Curriculum Department of the Institute, who is supervising the project, together with his colleagues, David Pratt and Mrs. Judy Clark, have had a number of discussions with the Commission. The purpose of the study is to examine the textbooks in order to judge the adequacy and fairness with which Ontario school text books deal with the contribution of ethnic groups to Canada's development and culture.

AN AMENDMENT TO THE AGE DISCRIMINATION Act came into effect September 1, 1969, extending the prohibitions of the Act to cover discriminatory age specifications in employment advertising. The amendment is designed to discourage any advertising specifying age or a general

age range which would have the effect of excluding older workers from employment opportunities for which they might otherwise be qualified.

During October 1968, a letter was sent to employers across the province informing them of the provisions of the Age Discrimination Act and asking for their co-operation in its implementation. The response was very encouraging. Out of a total of 584 replies, 504 (86%) were positive, only 2 were negative and 78 were non-committal; 206 company presidents responded favourably with only one giving a negative reply. The survey covered 101 communities.

The equal pay for equal work for women provisions of the Ontario Human Rights Code have been transferred to the new Employment Standards Act which took effect on January 1, 1969 and which is being administered by the Employment Standards Branch of the Ontario Department of Labour under the direction of M. E. Howard. Under this procedure, investigations for violations will be carried out as part of the routine inspections of the Branch although individual complaints will also be processed.

The Commission notes with deep regret the death in January 1969 of Sid Blum who had contributed greatly to the human rights field. Mr. Blum was formerly Executive Director of the Jewish Labour Committee, Director of the Jewish Labour Committee, Director of the Toronto and District Labour Committee for Human Rights and, more recently, Research Director for the Social Planning Council of Hamilton. He was a highly respected and dedicated worker and will be remembered by many of his colleagues in government and voluntary social agencies who had the pleasure of working with him.

HUMAN RELATIONS

Vol. 9 - April-May, 1969 - No. 17

Published by

Ontario Human Rights Commission

Hon. DALTON BALES, Q.C.
Minister of Labour

LOUIS FINE, LL.D., *Chairman*
THOMAS M. EBERLEE, *Secretary*

DANIEL G. HILL, *Director*
JOYCE APPLEBAUM,

GORDON GREENAWAY,
LITA-ROSE BETCHERMAN,

Members

Address all correspondence to:

Ontario Human Rights Commission,
74 Victoria St.  Toronto.

HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

10

May, 1970

No. 18



SERVICES
FOR WORKING
PEOPLE



A2 ON

-72
485

Toronto's Storefront Office

— Page Five

In Memoriam: Alexander A. MacLeod

Alexander A. MacLeod, editor of *Human Relations*, died in March as a result of injuries sustained three months earlier when hit by a car. He was 67.

Long active in human rights causes, Mr. MacLeod played an important role in championing and developing human rights legislation in Ontario, and was a consultant to the Ontario Human Rights Commission from its establishment in 1960.

From 1943 to 1951 Mr. MacLeod was a member of the Provincial Parliament for Toronto-Bellwoods for the Ontario Labour-Progressive Party.

When Mr. MacLeod was defeated for re-election in 1951, Premier Frost paid tribute to his erstwhile foe as a "brilliant debater, a foeman worthy of anyone's steel. Without him in the legislature, some of the lights went out."

Elder Statesman

After a brief period out of public view, Mr. MacLeod returned as a sort of elder statesman around Queen's Park. During the last two decades he was a familiar figure in Parliamentary corridors and restaurants and was deeply respected by members of every political persuasion.

Besides his work for the Commission, Mr. MacLeod, a student of Canadian history, worked on several projects in Canadian history for the Provincial Department of Education.

The son of a Black Rock, Nova Scotia steelworker, Mr. MacLeod experienced injustice and poverty during his youth, and this fueled his passion for social causes.

In the early 30's, he organized in Toronto the "League For Peace and Democracy", one of many organizations with which he was associated. He later visited Spain several times during the civil war, and in 1941 — two years before gaining election to the Ontario Legislature—he stood unsuccessfully



Alexander A. MacLeod
1902-1970

in a federal by-election in Edmonton as candidate of the People's Campaign Movement.

Described as a man of "extreme brilliance", Mr. MacLeod was educated at Sydney Mines and Windsor, Nova Scotia, and the Maritime Business College in Halifax. He worked in the steel mills before going overseas in World War I.

Mr. MacLeod leaves his wife, the former Virginia MacLean, a son David, attached to the staff of the Ontario Department of Education, and two daughters, Jean and Joan.

Contributions Cited

Thomas M. Eberlee, Deputy Minister of the Department of Labour and Secretary of the Commission, said:

"Mr. MacLeod had a tremendous impact on the development of the Ontario Human Rights Commission and its staff members."

"His persistence in counselling the Commission to fight social injustice unflinchingly and with integrity, wherever it existed, was unparalleled."

"His memory and his deeds will not be forgotten."

In This Issue

Role of the Commission	3
Toronto's Storefront Office	5
A.D.A. Comes of Age	6
Commission Roundup	
La Commission En Français	10
Books Received	10
New National HR Body	11
Code Before The Courts	12

Human Relations

Vol. 10 - May, 1970 - No. 18

Published by
Ontario Human Rights Commission

Hon. DALTON BALES, Q.C.,
Minister of Labour

LOUIS FINE, LL.D., *Chairman*
THOMAS M. EBERLEE, *Secretary*
DANIEL G. HILL, *Director*
GORDON GREENAWAY,
LITA-ROSE BETCHERMAN, Ph.D.
Members

OFFICES:

Ontario Human Rights Commission,
74 Victoria St.,
Toronto, Ont.

Southwestern Regional Office:
500 Ouellette Ave.,
Windsor, Ont.

Northern Regional Office:
235 Bay St.,
Thunder Bay, Ont.

Eastern Regional Office:
2197 Riverside Drive,
Ottawa, Ont.



The Cover

A workman seeks assistance at Service For Working People, Toronto's downtown storefront office. In the one year has been open, hundreds of worker mostly immigrant and unskilled, have availed themselves of its services. Photo by David Street. Story on page 5.

The Role of the Ontario Human Rights Commission

By Thomas M. Eberlee

There comes a time in the life of every maturing public organization when it is subjected to renewed scrutiny. The ten-year-old Ontario Human Rights Commission is no exception, and lately it has become the focus of intense interest by critics and supporters alike.



Thomas M. Eberlee The Ontario Human Rights Commission balances the three functions of conciliation, education and enforcement. The groundwork on which the balancing proceeds is the fact that discrimination is an exceedingly difficult thing to "prove" beyond a shadow of a doubt, since no human rights officer and no court can read a person's mind. Hence emphasis must be on understanding, conciliation and settlement. To accuse a respondent would be to harden an attitude which he may not have been entirely conscious of holding; on the other hand, to assume his basic orientation is correct and then to direct it further in the enlightened direction, will reap considerable benefits.

Protection Built-In

Hence the Ontario Human Rights Code, unlike other statutes which prohibit certain forms of behaviour, relates the imposition of a penalty for such behaviour to a minor position of last resort. Rather, the entire process prescribed by the Code is geared to the idea of achieving a settlement which will result in such behaviour not occurring again. The most signal failure of critics of the Code is their lack of recognition of the subtle point that it is human relations legislation, not penal legislation.

To assure doubly the equitable treatment of the respondent, the Code pro-

vides for a number of — as it were — screens. The question of the respondent's "guilt" should thus never come up. The screens are built into the successive steps of the procedure.

The first step is the filing of a written complaint with the Commission by the complainant. The Commission has no power to initiate complaints; all action must stem from a specific set of circumstances and the written nature of the complaint puts the complainant in the position where he must be prepared to stand behind his complaint. The possibility of innuendo and rumour is thus greatly reduced. Upon the receipt of a written complaint, a Commission officer, who is trained in the techniques of conciliation, makes an investigation under the supervision of senior officers of the Commission.

If the investigation indicates that there is validity to the complaint, an effort will be made to work out a settlement between the complainant and the respondent. In the case of refusal to employ a person, the settlement might involve an undertaking to hire providing the complainant is qualified. In the case of refusal to rent an apartment presumably on the grounds of colour, the settlement might take the form of a commitment to rent the apartment now or, if an apartment should become available, to offer it to the complainant. Sometimes the respondent's behaviour will have imposed additional expense on the complainant, in which case the settlement might involve a small amount of financial reimbursement.

Detailed Review

If there is no settlement at this stage, the matter is reported to a full meeting of the Human Rights Commission, where the case is reviewed in detail. Occasion-

ally, the Commission itself will invite the complainant and the respondent to a meeting, at which time a further investigation of the validity of the complaint is made, as well as a further effort to achieve a settlement.

The Commission might, however, recommend to the Minister that a Board of Inquiry be established. The purpose of the Board is twofold. It is an independent third party inquiry into the validity of the complaint and hence serves as a screen against premature prosecution of a respondent. It has power only to find and report upon the facts and to recommend a course of action that should be followed in the light of the facts. It is empowered to summon witnesses, order production of documents and take evidence on oath. It is constituted independently of the Commission and includes neither members nor officers of the Commission. The second purpose of the Board is to act as a settlement forum. In a majority of the cases that have gone to boards, settlements have been worked out prior to the actual beginning of the Board's hearing, sometimes at the very last moment. In such cases the Board hears only the terms of settlement.

It should be emphasized that the Board is set up by the Minister on the recommendation of the Commission, but the Minister has full power to reject the Commission's recommendation. This procedure serves as a check upon the Commission.

The Board reports to the Commission upon the validity of the complaint. In two recent cases, the Board has found that the complaint should not be upheld. Upon receiving the report of the Board, the Commission makes it available to the parties and confers with them again in an endeavour to achieve a settlement. Most respondents, where a complaint is found to be valid, accept the finding of the Board and a settlement is achieved.

If no settlement is reached at this stage, the Commission may recommend to the Minister that the respondent be prosecuted. On the other hand, it may recommend to the Minister that he issue an order requiring the respondent to take certain actions in order to dispose of the case.

Appeal System

Where the respondent is prosecuted he, of course, has access to the whole structure of appeals in the courts. Where a ministerial order is issued, a respondent could be prosecuted for failing to comply with the order. Recent interpretation has it that the ministerial order would be subject to review in the courts and there is, therefore, an appeal at this point.



"Despite the current controversy, long-term review of the Commission's work since its inception shows that conciliation procedures have been very successful." In photo above, Commission Chief of Field Services, Robert McPhee, conciliates between respondent and complainant.

In any case, the power held by the Minister to make an order is equally as valid as if that power were in the hands of a court. The Minister is subject to the control of the Legislature and the electorate and this is just as potent a check upon the proper exercise of his powers as is the appeal system as far as a lower court is concerned.

Finally, the Code provides for the possibility of an injunction to be granted where there has been a repetition of an offence under the Code.

The current questioning of these procedures for the administration of the Code centers about their character, which bridges the administrative and judicial areas, and whether that is consonant with the protection of the civil rights of respondents in complaints brought to the Commission. What ambiguity exists is — for the most part — inevitable precisely because of the balancing act which has been judged the

best approach to resolving human rights questions and hence has been written into the legislation. Unfortunately, this leaves room for misinterpretation, both innocent and deliberate, of the procedures adduced to achieve the Code's objectives and for allegations concerning the alleged dangers inherent in them.

A case in point, now before a third court and in its second appeal, involves refusal of housing accommodation. The landlord and his lawyer attempted to decline to appear before a Board of Inquiry and requested instead that the alleged violation be tested by prosecution rather than by administrative inquiry. They succeeded in suspending the Board's hearings and achieved a first court ruling in their favour.

The first court's view was that the issue of whether discrimination took place is not in question at a Board of Inquiry, thus making the inquiry a form of "persecution" to force a settlement.

The court expressed the opinion that the Code was contrary to the principles set forth by the Hon. J. C. McRuer's advice in his Royal Commission Report on civil rights. But the McRuer Report's comments on the Commission are of an entirely different tenor:

The experience of the Ontario Human Rights Commission is most useful and instructive when considering what can be accomplished by educative and persuasive processes without the imposition of sanctions ... The ... Code is an outstanding piece of legislation. (Page 1556, Report No. 2, vol. 4)

The Commission appealed the first decision, won by the landlord, and won its appeal. (See *Code in Court* page 12). The landlord is now appealing this second ruling to the Supreme Court of Canada. The matter will be heard again in the autumn.

Conciliation Successful

Despite the current controversy, long-term review of the Commission's work since its inception shows that conciliation procedures have been very successful. As of January, 1970 total inquiries, from all regions, including miscellaneous requests for information, were 20,746, involving some 18 ethnic groups. Formal complaints handled numbered 2,116. Informal complaints, where circumstance limited the Commission's officers to an essentially educative function, were 659. Boards of Inquiry held totalled 75 and the number of prosecutions was only two. The educational program of the Commission includes the publication of a semi-annual periodical, *Human Relations*, with a circulation of 150,000, and the distribution, to date, of well over one million pieces of printed matter, besides individual letters.

The Commission's procedures are basically conciliatory and not penal and this, in my opinion, is what makes Mr. Justice Stewart's view, as expressed in the first court decision, so totally invalid. If the Commission were required to go to court conciliation or settlement attempts would be quite improper; the Commission would then become a police operation rather than a human relations operation in the best sense. Unlike the human action with which the police deal, those involving discrimination can hardly ever be treated on a completely black and white basis.

I am firmly convinced that only by following the kind of balancing procedure now in force can the Commission properly carry out its mandate, uphold the rights of both the complainant and the respondent and respond to the challenge of the moment.

Toronto's Storefront Office

Toronto's storefront office, Services For Working People, is filling an important need in a downtown, working-class, largely immigrant, neighborhood. Here's how.

I like to think we're bridging the gap between bureaucracy and the people", says Milton Little, co-ordinator of Services For Working People, a storefront office in downtown Toronto sponsored and staffed by the Ontario Human Rights Commission and other branches of the provincial Department of Labour.

Now a year old, the office, says Little, is caught on as an on-the-spot counselling and information service to residents of the area.

It is an area composed mainly of the immigrant working poor, most of them new arrivals, part of the 500,000 newcomers — Italian, Portuguese, West Indians, Greeks, and others — who have streamed into Canada during the last decade.

When they arrive, they are often unaware of provincial legislation protecting certain of their basic rights. They exhibit to the newcomers' inbred suspicion of government, and few know about the government agencies scattered around the city.

So Services For Working People sees itself as a central clearing-house, a much-needed referral service to cut through the confusing labyrinth of government and social agency services.

The deliberately plain and unassuming offices are located above a neighbourhood drug store. There is nothing suggestive of the often cold clinical atmosphere of a government office.

Similarly, hours are scheduled to accommodate working people — from 9 to 5 on Monday through Thursday and until 6 on Friday.

Depending on the problem, the visitor will see Little, a full time human rights officer, or any one of a number of officers applied on a rotation basis by the various divisions of the Labour Department — Employment Standards, Industrial Training, or the Women's Bureau. The interviews are conducted with the aid of professional interpreters.

A typical day this month saw, among other things:

- A Portuguese tradesman apprised of his skills and instructed on the proper procedure for obtaining certification.
- Arrangements made for an English language course sponsored by the Department of Education for an Italian labourer.
- Conciliation of a case of housing discrimination against a Jamaican graduate by an area landlord.
- The collection, by a staff member from the Employment Standards Branch, of \$130.67 owed in vacation pay to a construction worker.

These were part of a steadily mounting volume of cases handled by Services For

Working People since the office opened its doors last April. From a first month base of 70 inquiries, the office is now handling well over 300 inquiries per month.

Of these, perhaps 10% turn strictly on "human rights" — cases clearly involving discrimination in housing, employment, or accommodation, all of which is barred by the Ontario Human Rights Code.

But Little says effective human rights can only be secured in an environment free of economic and social injustices, justification for the Commission's concern with issues which do not fall strictly within the jurisdiction of the Code.

Because it is an umbrella organization, SFWP staff members wear a number of hats. As Labour Department officials, they counsel workers about job possibilities, training programs, certification procedures, and language instruction, and deal with problems which fall within the scope of the Employment Standards Act — minimum wages, non-payment of vacation pay, or overtime.

Many of the inquiries handled by SFWP staffers turn out to be larger problems of social integration faced by the new immigrant who is often anxious, confused, and frustrated about life in the new society.

As a result, staff members spend much of their time dispensing information on how to use public services or how to get help from welfare agencies.

Continued on Page 11



A human rights officer interviews a Portuguese immigrant with a housing complaint. All interviews are conducted with aid of translators.

The ADA Comes of Age

"If Somebody Says You're Too Old For The Job, Read Him The Act", say the new car cards on Toronto's subway trains and buses. This advertising campaign is an indication of Ontario's seriousness in pursuing its campaign against age discrimination in employment.

Aware of the human resources going to waste, the loss to the community, and the cost to every taxpayer of the irrational prejudice against employees over 40 and denial of employment to them, the province of Ontario gives every indication of implementing the four-year-old Age Discrimination Act with vigour. It is clearly seen that this form of discrimination is fully as damaging to society and the individual as discrimination based on race, creed or national origin.

The vigour in implementation will be needed, in our youth-oriented society, which has not noticed that the age of 40 means increasingly little as better nutrition and health care, and access to television and movies, keep people on their physical and mental toes far longer than was the case in the rural society of 50 years ago. Television viewers see commercials which make the point that one often cannot distinguish between "real life" mothers and daughters, but the old stereotypes die hard. This is most paradoxically true in the case of executives over 40, who seem to be singularly unself-conscious.

Education Role

The educational prong of the Age Discrimination Division's (A.D.D.) three-pronged approach (conciliation, education, enforcement) thus "ranks equally in importance with the conciliation role," says George A. Brown, Administrator of the Age Discrimination Division. The Ontario Human Rights Commission has set the policy that prosecution is a last resort in age discrimination cases as in violations of the Ontario Human Rights Code relating to race, religion or ethnic origin. The officers of the Age Discrimination Division seek to educate as they investigate and conciliate.

In the four years since the Age Discrimination Act was passed, over 300

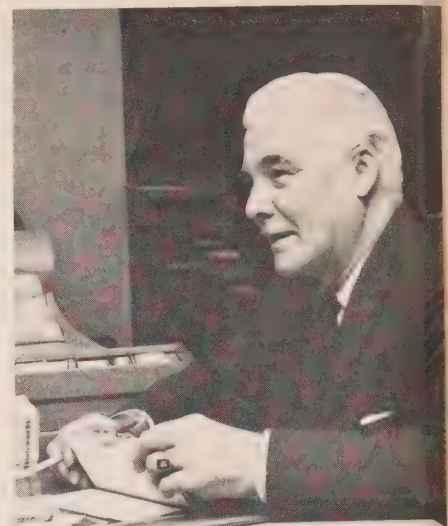
cases have been handled, and only one has gone to a Board of Inquiry, which upheld the complainant. These figures cover the work done in the three regional offices of the Commission as well as the Toronto office. The regional offices are located in Ottawa, Windsor and Thunder Bay.

The variety of cases illustrates the various factors which combine to create a case in the first place and the several patterns which resolution of complaints takes. More complex than most was a case involving a fire department district chief, aged 57, who complained that he was refused the next promotion by the chief who told him he was too old. Simultaneously the town government was passing a resolution, drafted by the chief, which coupled promotion with "younger men."

For Merit Promotion

Several things were accomplished in this case. The Division made clear that it endorses genuine merit promotion but not promotion policy which automatically passes over men beyond a certain age. Thus, any assumption that the A.D.D. actively favors seniority promotion was shown to be incorrect. The educative function was fulfilled in that the chief and the town government were made aware they had violated the Age Discrimination Act (the resolution's wording was changed). The conciliation function was implemented in that the complainant learned that his record was not as good as he had thought, and the way was cleared for him to discuss improving it with the chief, with the prospect of a later promotion.

A second case illustrates the special human problems which underlie many complaints, and lead A.D.D. officers into the realm of psychology and interpersonal relations. The complainant was a



lady of 61 who had been a saleswoman in a ladies leather goods shop for 16 years. Like many people in a similar situation she had come to have a proprietary attitude toward the store, her regular customers and the store's procedures. The result was friction with successive store managers, invariably much younger than she, when she tried to "help" them perform their administrative duties. A further complication was the physical ailments she developed with advancing years.

After one altercation with her store manager she came to the A.D.D. claiming she had been fired because of her age. As the investigative procedure continued, time brought changed attitude on all sides. The store manager was brought to a clearer appreciation of the lady's qualities and she achieved an objective evaluation of her attitude as an employee and how it would react upon others. In its files, the A.D.D. conclude that she had not been fired and note that a settlement had been reached.

A third case demonstrated that an educative effort upon the top level of company management may have to be repeated once more to reach middle management.

The A.D.D.'s Memorandum of Agreement with the company, signed by both stipulated that the company would send the Commission a copy of another memorandum to their supervisors. When it arrived, Division officers read the concluding line with satisfaction: "The criterion for employment is, can they do the job?"

The case-load has increased since the 1968 amendment concerning job advertisements. Both employers and newsp

rs are now notified, on a formal, but
icational and conciliation basis, that
ey are in contravention of the Act
en the employer writes, and the news-
per accepts and prints, such expres-
ns as "young man" or "aged 20 to 35"
an upper age limit to apprenticeship
ograms. They are told that including
e phrase "age no barrier" is the sim-
est way of staying within the law in
ertain cases.

The Age Discrimination Act has also
ken over from previous legislation the
ovision that no trade union may drop
bar a member solely because he has
ssed the age of 40. The Act concerns
elf with people between the ages of
and 65.

Social Patterns An Obstacle

The interaction of the Age Discrimi-
ation Act and the accepted social pat-
rns poses possibly the greatest obstacle
the broadest implementation of the
ct. Beginning with a basic anxiety
out getting older, people will lie about
eir age in applying for employment if
ey think it will pass undetected. The
me bias creates a squeamishness in re-
orting experiences with age discrimina-
on to a governmental body. To this is
dded the reaction that a person taking
uch a step is doing something unbecom-
g, is a "trouble-maker." Dissent is
sociated with hippies, with the "wrong"
gments of society. The corollary is the
ar that reprisals will follow either from
e employer who did not hire the person
fired him, or from future prospective
employers. As a result, not a few com-
plainants have come in but asked if their
ames could be kept secret. As the Divi-
on continues its work, it expects that
eprisals will become socially unaccept-
able behaviour.

The white-collar group, and executives
a particular, are most prone to fall into
e pattern of thinking which finds com-
laint unbecoming and fears reprisals.
n executive suddenly fired when in his
orties or fifties must first overcome the
aumatic effects to his ego. Before he
realizes how truly desperate his search
or relocation will likely be, he fears that
making a noise" will diminish his
hances among professional acquaint-
ances who were formerly competitors,
ot to speak of his reluctance to cause
mbarrassment to men who may be his
olffing partners and personal friends.

Pensions and Retraining

The Division's officers have come up
gainst several particularly knotty prob-
ms in their work, notably the question
f pension funds and the necessity of
etraining employees whose jobs have
anished because of the pace of techno-



Age Discrimination Division Administrator George Brown (l.) briefs human rights officers attached to his staff. Standing is Harold Attin, seated are Milton Little and Sita Ramanujam.

logical change. Retraining is attacked by
some employers as not economically ad-
vantageous for a man of 50, to which
the Commission replies that the man still
has 15 years of work, at least, in his
power, and the alternative is for him to
live at the taxpayer's expense. Retraining
of older workers is still very new, and
different approaches have to be worked
out from those used with the students in
a vocational school. The older worker
does have advantages, one of which is
greater selectivity in the learning process
than a youth of 18. Older worker retrain-
ing must inevitably become a growing
effort as obsolescence of skills and the
higher educational level now required
for any level of employment continue to
play their social role.

To overcome the argument that the
actuarial basis of pension funds is dis-
torted if people over 40 are hired, the
Division points out that hiring is one
thing and inclusion in the pension plan
another. It is better to provide a citizen
with a job and income until 65 rather
than have him on welfare from a much
earlier age. According to the Act itself,
the employer must *prove* that hiring a
person over 40 will "affect" the opera-
tion of a pension plan. No employer has

yet tried to do so, which tends to prove
that the verbal allegation of a pension
plan as constituting an obstacle to hiring
the over-40 is a questionable tactic.

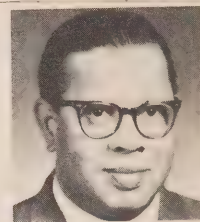
Educational Seminar

As part of the effort to iron out im-
plementation problems with business
leaders, the Division is planning an all-
day workshop in May, with the Ontario
Minister of Labour, the Honourable
Dalton Bales, as the luncheon speaker,
and employers, union leaders and social
science experts exchanging ideas in dis-
cussion sessions. Such diverse areas onto
which age discrimination impinges as in-
dustrial psychology, sociology and geron-
tology will be involved. A basic issue also
scheduled for discussion is the enlarged
role of government in protecting human
rights in an era of intensified urbaniza-
tion and resulting social ferment.

Mr. Brown is convinced that the social
necessities behind age discrimination
legislation will soon take precedence
over the "genteel" aversion to lodging a
complaint, as the Age Discrimination
Division's educative efforts, exemplified
in the car cards on Toronto subways and
buses, continue to carry their message to
more and more people.

Commission Roundup

By Daniel G. Hill



Some significant staff changes...a number of amendments to the Human Rights Code...a court challenge to the Ontario Human Rights Commission...the establishment of a storefront office...all were important stories during the past fiscal year, April 1, 1969 to March 31, 1970.

Since the last issue of *Human Relations*, three new regional supervisors have been appointed to head Commission field offices in Thunder Bay, Windsor, and Ottawa. Bruce Lenton is the most recent supervisory appointment, heading the Thunder Bay office, with jurisdiction over northern Ontario, which covers 85% of the Ontario land mass. Lenton's appointment in March, 1970, was part of a major expansion of Commission services in the north, which saw the hiring of two more human rights officers, G. Cuyler Cotton and C. William John, the latter fluent in Ojibwa. Lenton replaces Gerry A. Piper who resigned from the Commission in December.

Florette Osborne has been appointed supervisor of the southwestern regional office in Windsor replacing George K. Lewis. A new human rights officer, has been hired to work in the Windsor office. Pierre Brien is supervisor of the eastern regional office in Ottawa.

C. Michael Walker has been named to the new post of Metro Toronto regional supervisor, and a new human rights officer, Jerry A. Meadows, has been appointed to assist Mr. Walker.

Overseeing the operation of the four regional offices is Robert McPhee, recently appointed to the new position of Chief of Field Services. Mr. McPhee returned to the Commission after a brief interlude as special assistant to Robert Andras, minister without portfolio in the federal government. In 1966, Mr. McPhee opened the Commission's northern office in Thunder Bay to deal primarily with the problems of the province's northern Indians. He headed the northern office until 1968. Herbert A. Sohn, Assistant Director of the Commission from 1963 to 1969, is on leave of absence and is working towards a Doctorate of

Social Work from the University of Toronto School of Social Work. The Commission's education officer, Dorene Jacobs, also returned to school to pursue graduate studies at the Ontario Institute For Studies in Education. Her replacement is Marvin Gandall, a former Toronto Star reporter with experience in journalism, public relations, and teaching. Harold Attin, at one time Ontario Director of the Canadian Council of Christians and Jews, has joined the Commission to perform education and case-work functions.

Code Amended

The Ontario Human Rights Code was amended in May, 1969. It no longer exempts religious, philanthropic, educational, fraternal or social organizations from the Code's employment discrimination provisions; includes a "reprisal clause" making it an offence to penalize any one who participates in the enforcement of the Code; and increases the maximum fines for Code violations from \$100 to \$500 for an individual and from \$500 to \$2,000 for a corporation, trade union, employer's organization, or employment agency.

The Age Discrimination Act of 1966 — also administered by the Commission — was amended in October, 1969 to extend coverage to the provincial government and all its agencies.

Court Challenge

The Ontario Human Rights Code is being tested for the first time before the courts. The challenge stems out of a housing discrimination case involving Carl McKay, a black Jamaican, who alleges he was discriminated against by K. S. Bell, the respondent. Upon petition

of Mr. Bell, Mr. Justice C. D. Stewart of the Ontario Supreme Court, in May, 1969, prohibited the Commission from proceeding with a Board of Inquiry into the complaint. The judgment was subsequently reversed by an unanimous ruling of the Ontario Court of Appeal in November. (See *Code in Court*, page 12) Upon the respondent's appeal, however, the Supreme Court of Canada agreed to hear the case, probably in the early fall of this year.

The Commission, together with the Provincial Department of Labour, opened a storefront office in a working class area in downtown Toronto in May, called Services For Working People (See *Storefront Office*, page 5). Milton Little, a human rights officer, is full time co-ordinator of the office, which is staffed by representatives from the Commission, the Women's Bureau, and the Manpower Services Division of the Department of Labour. The OHRC has commissioned a major study by the University of Toronto School of Social Work to assess the effectiveness of the pilot storefront project.

Commission Busy

There was a significant increase in the case load and educational activity of the Commission between April, 1969 and January, 1970. Some statistics:

- The Commission during this period handled a total of 6,502 complaints, which 5,752 were of a miscellaneous nature and 154 were informal.
- Of 597 formal complaints registered with the Commission, 197 were dismissed after further investigation, 3 were settled through conciliation, 18 were settled and 3 dismissed by Boards of Inquiry.

Most complaints concerned age (186), employment (147) and housing (91).

The Commission distributed 210,000 pieces of literature. Commission officers gave 191 speeches and was brought to the public's attention at 57 conferences, 15 exhibitions, 29 broadcasts and 640 community consultations and meetings. The Age Discrimination Division is currently conducting a car card advertising campaign on Toronto's public transportation system.

A study co-sponsored by the Commission and the Ontario Institute for Studies in Education examining human rights matters as reflected in Ontario schoolbooks has been completed by Dr. G. McArmstrong and Dr. D. Pratt and its results will be released shortly.

The Department of Justice sponsored a legal clinic for Commission officers in February. Directed by Justice lawyers, Frank Callaghan, Q.C., and Marshall Block, the clinic discussed investigating procedures and the rights of complainants and respondents.

Affirmative Action Urged

The Commission is enlisting the help of personnel officers in a new campaign to eliminate race bias in hiring. In successive speeches to public and private personnel officers in February and March, the Commission Director called

upon personnel people to give "special attention to an affirmative program of recruitment, hiring, and promotions in all jobs." He urged implementation of a five point program which would have personnel officials:

- Clearly state their equal opportunity policy to their staff and other government departments.
- Incorporate fair employment policies in training programs for personnel officers.
- Review staffing patterns by department and job to ensure that fair employment practices are being implemented.
- Assess their pre-employment tests to ensure that they are not unfair or irrelevant to minority group members because of cultural biases.
- Actively recruit in minority and immigrant communities, and make employment needs known to minority churches, school principals, teachers, counsellors, minority organizations, and the ethnic press.

Follow-up meetings with personnel officials in government and industry are currently being scheduled by the Commission.

Upcoming events include another legal clinic for human rights officers from the Ontario commission and other jurists

and a conference devoted to "The Older Worker In Today's Economy and Community", sponsored by the Commission's Age Discrimination Division, June 4, at Toronto's Royal York Hotel.

The Commission will also be present at the founding conference of the Canadian Association of Statutory Human Rights Administrators to be held in Halifax in September. The Commission's director was instrumental in the planning committee which developed the aims and objectives of the new association. (See *New Human Rights Body*, page 11.)

The Commission is also represented on the executive board of the International Association of Human Rights Administrators, consisting of all the major human rights agencies on the continent. The next meeting of the Association is scheduled for St. Louis, Mo., in July.

The Commission noted with satisfaction the recent decision (April 16) of the Ontario Court of Appeal upholding the principle of equal pay for equal work for women. The Ontario Department of Labour interceded on behalf of nursing orderlies at the Greenacres, Ontario Home for the Aged and five other nursing homes for the aged, who contended they were receiving less pay for equal work than male orderlies. The Commission was a pioneer in efforts to obtain equal pay for equal work for women and administered equal pay legislation for a number of years.

If somebody says you're too old for the job, read him the Act.

An excerpt
from the Age Discrimination Act.

1. ...
2. ...

If you have a problem relating to age discrimination in employment, call the Age Discrimination Division of the Ontario Human Rights Commission at 363-6841.

The Ontario Human Rights Commission
75 Victoria Street, Toronto, 1, Ontario



Ontario Human Rights Commission
(Age Discrimination Division)
The Ontario Department of Labour.

lar card used in Commission's advertising campaign on Toronto's transportation system this past winter. The Act referred to is the Age Discrimination Act, which the Commission administers. The campaign was part of a vigorous educational effort initiated by the Commission last year. Advertising, radio spots, displays, speeches, publications, were all employed in attempt to break down prejudicial attitudes where they are found and to inform the public of its legally-protected rights.

La Commission En Français

The following letter from the Association of French-Canadians in Ontario is an example of the French-language aspect of the Commission's work. The writer was replying to an attempt by the Commission's Eastern regional supervisor, Pierre Brien, to elicit information on the grievances of French-Canadians in Ontario.

Cher Monsieur Brien,

Le Comité exécutif de l'Association canadienne-française de l'Ontario a étudié à sa réunion de septembre le projet de questionnaire que vous lui avez fait parvenir. Les directeurs m'ont prié de bien vouloir vous répondre à ce sujet.

Nous voulons vous féliciter de l'initiative que la Commission a prise en vue de voir si les droits des Canadiens français étaient bien protégés et respectés en Ontario. Ce geste est sûrement opportun alors que les gouvernements fédéral et provincial se penchent sur le sort des francophones depuis déjà quelque temps.

Nous profitons cependant de l'occasion, comme vous en avez exprimé le désir, pour faire quelques remarques sur les moyens à utiliser pour atteindre votre but, i.e. "de mieux encercler les situations discriminatoires que doivent subir les franco-ontariens" ainsi que sur le fond et la forme du questionnaire proposé.

Il y a deux ans le Comité franco-ontarien d'enquête culturelle entreprenait une étude approfondie sur les conditions culturelles, artistiques et sociales (en partie) de la population francophone. Les résultats sont riches en enseignement et jamais le francophone de l'Ontario n'a été si bien décrit. Les conclusions ont d'autre part insufflé un nouvel esprit de travail et de collaboration chez de nombreux individus et organismes de la province. On se dit: "Oublions le passé et travaillons en fonction du futur!" Cette position indique clairement que l'intéressé veut se dégager de tous les aspects négatifs de sa vie culturelle pour mettre en application des programmes positifs. On peut confirmer cette affirmation en donnant quelques exemples: rajeunissement des associations adultes, entrée en action de jeunes qui s'organisent en association, mise sur pied de Conseils

régionaux, démarrage d'un programme d'animation sur tout le territoire, etc.

Donc ne faut-il pas se demander si le franco-ontarien désire vraiment relever de façon systématique tous les griefs qu'il peut avoir contre la société actuelle ou veut-il plutôt découvrir ce qu'il peut faire avec des organismes comme le vôtre et surtout comment agir pour conserver ses droits et sa culture.

Si nous conservons la première alternative le projet de questionnaire que vous nous proposez est tout à fait approprié. Par contre l'Association croit que les Canadiens français s'orientent plutôt en faveur de la deuxième alternative. Ceci remarquez le bien n'est pas statistiquement prouvé, mais les faits mentionnés ci-haut nous forcent à croire que les associations de Canadiens français préféreraient s'en tenir à une action positive, à des programmes d'animation socio-culturelle.

Si d'autre part vous croyez que seul un questionnaire peut vous permettre d'atteindre les buts de la Commission soyez assuré que l'ACFO serait heureuse de collaborer à la "reformulation" de certaines questions qui à notre avis ne pourraient pas être répondues de façon adéquate. La meilleure preuve serait peut-être le fait qu'après avoir compilé certains questionnaires complétés par des membres de l'Association nous n'y avons découvert que des "NON" à toutes les questions.

Vous assurant de notre collaboration pour un projet qui aurait pour but la promotion du Canadien français.

Bien à vous,
Lucien Bradet

Books Received

Blaustein, Albert ed. *Civil Rights and the American Negro*; a documentary history — from the earliest slave laws to the report of the National Advisory Commission on Civil Disorders. N.Y., Washington Square Press, 1968. 671 p.

A very useful reference book containing all pertinent documents involving civil rights in the United States since 1619.

Cardinal, Harold. *The Unjust Society; the tragedy of Canada's Indians*. Edmonton, H. C. Hurtig Ltd., 1969.

This important book has deservedly received widespread attention.

Grevious, Saundrah Clark. *Teaching Children and Adults to Understand Human and Race Relations*. Minneapolis, T. S. Denison & Co., 1968. 184 p. Illus.

A guide for teachers with a considerable proportion of the content oriented to elementary school children. Many full colour drawings illustrate the detailed study area suggestions. Bibliography of supplementary materials included.

Marx, Gary T. *Protest and Prejudice; a study of belief in the black community*. New York, Harper & Row, 1967. 256 p.

"The main concern of this study is ... with the basic orientations of Negroes to the civil rights struggle and toward whites." A substantial section examines Negro attitudes toward Jews in particular.

Richmond, Anthony H. *Post-war Immigrants in Canada*. Toronto, University of Toronto Press, 1967. 320 p.

This very valuable sociological study examines economic and social integration of British immigrants in Canada as compared with those from other countries.

Rose, E. J. B. *Colour and Citizenship; report on British race relations*. London, Oxford University Press, 1968. 815 p.

A very comprehensive report based on the findings of a five-year survey conducted by the Institute of Race Relations. There are four main divisions: "an account of the British society which the coloured immigrants were to enter"; description of "the sending

ocieties, the history of the migrations"; "the interaction of the native British and the immigrant communities—"; the implications of the findings and recommendations.

Wat, Donald C. ed. *The Ombudsman; Citizen's defender*. Toronto, University of Toronto Press, 2nd ed. 1968. 384 p.

A group of essays describing and analyzing existing and proposed Ombudsman systems in thirteen countries.

esco. *Birthright of Man*; a selection of texts prepared under the direction of Jeanne Hersch. Paris, UNESCO; New York, Unipub, 1969. 591 p.

"A collection of quotations, drawn from a wide variety of traditions and periods, which ... illustrate how human beings everywhere ... have asserted and claimed the birthright of man."

Robson, Julius ed. *The Negro and the American Labour Movement*. Garden City, N.Y., Doubleday Anchor Books, 1968. 430 p.

A collection of essays providing "a spectrum of facts and attitudes" ... concerning the relationship of organized labour to the civil rights movement and covering the period from the Civil War to the present.

storefront

Continued from Page 5

Much of the case handling is informal—a simple phone call to a voluntary organization, for example, to help a harassed mother find day care for a toddler.

"It's not a one-way street", says Milton Little. "We've got as much as we've given. We've learned an enormous amount about the problems faced by minority workers, especially new immigrants, about their lives, about their expectations, about the obstacles—personal and institutional—that block them from full utilization of their abilities."

"So we are a kind of listening post", says. "We can gauge popular reaction to our programs. We can determine what needs are, and hopefully, we can use this information to establish whether current programs, laws, and services are relevant to the poor."

In connection with this, the storefront office has already begun to send field workers into the community.

More will be known when a research team of social scientists headed by Dr. Albert Rose, Director of the University of Toronto School of Social Work, studies the effectiveness of the operation later this year.

New Canadian Rights Body To Be Founded In Fall

It will be known as CASHRA, and it will become the first national human rights organization in Canada.

A conference to found a national body of Canadian human rights administrators will be held in Halifax, Nova Scotia, in September 1970.

To be called The Canadian Association of Statutory Human Rights Administrators, the new organization will group representatives from jurisdictions in Alberta, Manitoba, New Brunswick, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan, and the Federal Government.

The association will promote the exchange of information among its members, and will assist in planning and fostering co-operative services.

Organizers hope that CASHRA will meet annually, with continuity provided by an executive to be elected at the annual meeting.

Membership will include any statutory agency, province, territory or the Federal Government which has as one of its functions the administration of enforceable laws prohibiting discrimination in either or all of race, creed, colour, religion, nationality, ancestry, place of origin, age, or sex.

Delegates to the founding convention will discuss proposals calling on CASHRA to act as a clearing house for

information; to publish a regular newsletter; establish effective working relationships with private and governmental organizations at the national level; run periodic training sessions and legal clinics for personnel of member agencies; review human rights legislation; provide moral support for agencies that come into conflict with other public or private organizations, and provide a "voice" for the official human rights field on issues of national importance.

A planning committee of human rights officials from across Canada approved a set of guiding principles for the proposed organization at a meeting held in Quebec in February. The meeting was hosted by Jean-Louis Lefebvre, president of Quebec's Minimum Wage Commission.

Formation of the association would highlight four years of increasing co-operation between human rights administrators in Canada. Previous conferences of Canadian administrators have been held in Toronto (1966), Edmonton (1968) and in Ottawa (1969).

It was at the Ottawa conference that a proposal for a permanent national organization was presented to delegates by Dr. Daniel Hill, Director of the Ontario Human Rights Commission.



The Code Before The Courts

The Ontario Human Rights Code is currently being tested in Canadian courts. In May, 1969, a ruling by Mr. Justice C. D. Stewart of the Ontario Supreme Court prohibited the Commission from proceeding with a Board of Inquiry into a housing complaint between Carl McKay, complainant, and K. S. Bell, respondent. In November, 1969, the Ontario Court of Appeal unanimously reversed the Stewart decision. The Bell-McKay case has now moved to the Supreme Court of Canada, where it will probably be heard in the fall. The following is the judgment of the Ontario Court of Appeal, written by the then Mr. Justice Bora Laskin of the Ontario Court of Appeal, who was recently appointed to the Supreme Court of Canada.

This appeal concerns the status and jurisdiction of a board of inquiry appointed by the Minister of Labour of Ontario under section 13 of the Ontario Human Rights Code, 1961-62, c. 93, as amended. Although the focus of concern is an order of prohibition to the board, made by Stewart J. on May 9, 1969, issues related to the administration of the Code are necessarily involved in resolving the question whether, in the circumstances of this case, prohibition should have gone to the board.

The circumstances are as follows. On December 12, 1968, Carl McKay lodged a written complaint with the Ontario Human Rights Commission alleging that K. S. Bell of 30 Indian Road, Toronto, denied him housing accommodation, which was available in those premises, by reason of race, colour and place of origin. McKay is a black Jamaican. Bell is a white Canadian, owner of a three-storey house, of which the ground floor is occupied by him and his family. The second and the third floors had in the past been rented as a composite housing unit, and were vacant when McKay and another answered a "for rent" advertisement of this accommodation. They were falsely told that the flat (as Bell called it in an affidavit) had been taken. Bell swore in the affidavit that he judged McKay and his companion to be young students and he was unwilling to have students as tenants, preferring married couples or mature persons.

There is a common entrance to the lower and upper floors of Bell's house. The upper floors are reached from a hallway and a stairway, and they consist of a kitchen, a bathroom, a sitting room and bedroom on the second floor, and a bedroom on the third floor. One of the issues raised by McKay's complaint and calling for determination was whether the flat was a "self-contained dwelling unit"; Stewart J. determined that it was not, and it followed that the Code did not apply to Bell in respect of the flat, regardless of other considerations. Whether Stewart J. should have made a determination

on that issue on the motion for prohibition brought before him is one of the questions to be answered in this appeal.

The Ontario Human Rights Code is a blend of three separate pieces of provincial legislation which, in its present form and stating its effect broadly, forbids denial of or discrimination in employment, access to public places and services, and housing where the denial or discrimination is because of the race, creed, colour, nationality, ancestry or place of origin of the victim of the denial or discrimination. The first piece of legislation expressing such a policy was the Racial Discrimination Act, 1944 (Ont.), c. 51; then came the Fair Employment Practices Act, 1951 (Ont.), c. 24, and a few years later the Fair Accommodation Practices Act, 1954 (Ont.), c. 28. It is unnecessary to detail amendments made prior to or after the enactment of the Code. The substantive provision of which McKay's complaint is based is section 3 of the Code which, as last amended in 1967, reads as follows:

"3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

- (a) deny to any person or class of persons occupancy of any commercial unit or any self-contained dwelling unit; or
- (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any self-contained dwelling unit,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons."

Administration of the Code is confided to the Ontario Human Rights Commission, a body responsible to the Minister of Labour and whose members are appointed by the Lieutenant-Governor in Council. Both the Commission and the Minister are given roles by the Code in the enforcement

substantive provisions. It is by their action that a board of inquiry comes into being in particular cases. A role is also given to the summary conviction courts and to Judges of the Supreme Court of Ontario. So large a part of the arguments of counsel on this appeal touched upon the provisions of the Code respecting its administration and enforcement that it is not to set them out verbatim before turning to such facts as are known and to the various submissions made to this Court. The relevant sections are these:

2. (1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.
(2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office.
13. (1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Commission appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.
(2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*.
(3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint.
(4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board.
(5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified.
(6) The Minister, on the recommendation of the Commission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms.
14. (1) Every person who contravenes any provision of this Act or any order made under this Act is guilty of an offence and on summary conviction is liable,
(a) if an individual, to a fine of not more than \$100; or
(b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$500.
15. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.
17. (1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such contravention.
(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court."

Upon receiving McKay's complaint, the Ontario Human Rights Commission conducted an investigation, and this investigation (to quote from a letter of January 2, 1969 written to Bell by an officer of the Commission) turned up "sufficient evidence supporting Mr. McKay's allegation of discrimination to warrant further involvement of the Commission in this matter." The letter to Bell opened with the words "further to our meeting of December 13, 1968" and concluded with a suggestion for a meeting to discuss "possible terms of settlement and conciliation." Bell took this letter to a solicitor who replied on his behalf, indicating his (the solicitor's) willingness to meet but asking for prior enlargement on the meaning of "terms of settlement and conciliation." The solicitor coupled this request with a denial of any liability on Bell's part.

"... the Code (is) not punitively-oriented but (is) basically educational and conciliatory, with prosecution as a last resort..."

In an answer to the solicitor, dated January 14, 1969, the Commission officer stated that an investigation had produced sufficient evidence to justify McKay's complaint and that the Commission's routine was to seek an amicable resolution of all complaints, with more formal steps being a last resort. He invited the solicitor and Bell to meet with him "to discuss the kind of assurances that the Commission would ask to resolve such matters"; and he added: "Typical terms of settlement would include a written expression of apology to the complainant from Mr. Bell as well as an offer of the next available accommodation, and remuneration to the complainant for monies expended as a result of his failure to obtain accommodation at 30 Indian Road."

When about a month passed without word from Bell's solicitor, the assistant director of the Commission wrote on February 12, 1969, again inviting discussion but stating that failing a satisfactory response by February 21, 1969 the case would be submitted to the Commission at its next regular meeting on February 24, 1969. Under date of February 21, 1969, the solicitor wrote that he had attended at Bell's premises and had discussed the complaint, and had then advised Bell that he was under no liability. The solicitor went on to review the two letters of January 2 and January 14 from the Commission officer, and concluded that since sufficient evidence had been found to support the complaint the Commission should proceed to prosecute Bell if it wished to carry the matter further. By letter dated February 28, 1969 Bell was informed that the Commission had decided to seek the appointment of a board of inquiry; however, since it attempted to resolve every case by conciliation, it invited a meeting if Bell wished to review the possibility of resolving the matter. A copy of this letter was sent to Bell's solicitor, with a covering note that the Commission had decided to have a public hearing on the complaint.

The solicitor replied under date of March 3, 1969, saying he saw no useful purpose in a board of inquiry or in a public hearing; rather a prosecution should be launched, and he had written to the Minister of Labour to refuse the appointment of a board of inquiry and, instead, to consent to a prosecution of Bell. The Minister proceeded to appoint Dean Walter Tarnopolsky, Faculty of Law, University of Windsor, as a board of inquiry. The solicitor was so advised and given notice of the time and place of the hearing. Moreover, the Minister wrote to the solicitor, saying that the Code was not punitively-oriented but was basically educational and conciliatory, with prosecution as a last resort; the board chairman frequently acted as a super-conciliator to attempt to resolve the complaint to the satisfaction of both parties if possible;

and if the solicitor was adamant about prosecution, he could make the request to the board of inquiry.

The correspondence consequent upon McKay's complaint and relating to the eventual establishment of a board of inquiry has been set out at length because a good deal of the argument, especially that of counsel for Bell, was mounted on it. However, it is only marginally relevant to the questions before this Court, regardless of how revealing it might be about the Commission's processes. The Commission's emphasis on conciliation apparently stems from the concluding words of section 12 (1) of the Code and is reinforced by section 8 which is in these words:

"8. The Commission has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission,

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, creed, colour, nationality, ancestry or place of origin."

It would be ridiculous to read the Code as obliging the Commission and the Minister to proceed to prosecution on every complaint; some previous inquiry, and attempts at amicable resolution are rational measures which are clearly within the assigned duties of the Commission. Even if it be reasonable to accede to an alleged violator's request to test his violation by prosecution rather than by prolonged administrative inquiry, this is not a choice which is open to him or which can be forced upon the Minister by the Court.

"It would be ridiculous to read the Code as obliging the Commission and the Minister to proceed to prosecution on any complaint.."

When the board of inquiry convened, it was met immediately by a request that it disqualify itself, and upon refusal notice of motion for prohibition was served. Thereupon, the proceedings were adjourned pending disposition of the prohibition application. No evidence was taken before the board of inquiry; it had only the complaint before it. Stewart J. was better off because he had before him affidavits of Bell and of his solicitor to which were attached the correspondence which has already been detailed.

The learned Judge proceeded to find that the flat in Bell's premises did not come within section 3, and also held that unless a self-contained dwelling unit was involved a board of inquiry had no jurisdiction. Since Stewart J. was dealing with a motion for prohibition at a stage where the board of inquiry had merely convened and had not proceeded into the merits, his holding on jurisdiction can only be taken to mean that the board of inquiry could not, even as an initial, albeit subsequently reviewable, matter, embark on its task without having its right to do so cleared in advance, once objection was taken that the premises in question were outside the purview of the Code.

With great respect for the learned Judge, this is error on his part in principle, having regard to the terms of the Code. It is true that he assessed the character of the board of inquiry as revealed by the Code, and concluded that it exer-

cised judicial powers, that it was the first step of a judicial process exposing Bell to a sanction, and hence it was amenable to prohibition. However, the subjection of a tribunal to prohibition cannot be generalized merely because the tribunal is a judicial or quasi-judicial one. There is the additional, highly relevant question of the defect of jurisdiction on which the claim to prohibition is founded.

In the present case, if no objection can be taken to the establishment or constitution of the board of inquiry it is premature to seek to stall its proceedings at their inception on the ground of an apprehended error of law, i.e. misconstruction of a provision of the Code, which it is assumed the board will make. It appears quite plainly that what the board of inquiry would have been obliged to decide if it had been allowed to proceed was (1) whether there was a denial of housing accommodation; (2) whether that accommodation was covered by the Code; and (3) whether the denial in such case was by reason of the race or colour or place of origin of the complainant. This is not to say that the board's decision, if implemented by the Minister as prescribed by the Code, or ultimately, by a summary conviction Court, would be immune from judicial review. Counsel for the Attorney-General appearing on behalf of the Commission conceded as much. The decision on whether Bell's flat is a self-contained dwelling unit depends on factual as well as constructional considerations; and it is difficult to appreciate how the learned Judge could have proceeded to a determination when there was no record taken below bearing on the issue.

"... the board of inquiry ... is constituted independently of the Commission and is not made up of either members or officers of the Commission."

It does seem, from his reasons, that he attributed statement by the officers of the Commission to the board of inquiry. Some of those statements were unfortunate expressions; for example, the declaration of guilt of Bell in the letter of January 14; it would have been more prudent and more consistent with the spirit which animates the Commission work if tentativeness had been expressed and respect shown for the principle of *audi alteram partem*. At all events, it is wrong to assume in advance that the board of inquiry would not be independent; it is constituted independently of the Commission and is not made up of either members or officers of the Commission. Moreover, it should be noted that antecedent actions by the Commission are irrelevant to the issue of prohibition against a board of inquiry which, under section 13 (1), is presumed conclusively to have been appointed in accordance with the Code, once it is appointed by the Minister and the names of its members communicated to the parties to the complaint. The fact that the Minister in his letter to Bell's solicitor indicated that a board of inquiry sometimes acted as a super-conciliator can be taken as merely a reflection of the administrative policy to compose complaints; and, whether a wise thing to say or not, cannot affect the validity of the appointment.

In so far as counsel for Bell sought to support the order of prohibition on the grounds that (1) the Commission did not give Bell an opportunity to put his side and (2) the Code does not give the board of inquiry power to determine whether the flat is a self-contained dwelling unit, his submissions fail for the reasons already given. Nor can effect be given to his contention that the Minister had appointed a board to hold a public inquiry and there was no warrant in the Code for a public inquiry. It is unnecessary to lay down specific rules on whether or when a board of inquiry should

ceed in public. If there is any general rule applicable where the statute is silent, it is that the proceedings of a statutory tribunal should be conducted in public unless there is good reason to hold them *in camera*.

It was also contended that the board of inquiry was improperly prohibited from carrying on because it was established for an improper purpose. The basis of this contention is in the way the Commission proceeded; counsel took the position that when the Commission suggested a settlement it was seeking not conciliation but a confession of guilt, and it ought properly to have recommended to the Minister that he give his consent to a prosecution of Bell, as provided by section 15 of the Code. By recommending instead that a board of inquiry be appointed, the Commission was seeking to dilute its object of pinning guilt upon Bell. This submission confuses the role of the Commission with the role of a board of inquiry, and appears to suggest that a board of inquiry is merely an alter ego of the Commission or performs the same kind of function. That is simply not so. In addition to what has already been said on this question, it should be emphasized that the Commission has no compulsory powers to ensure attendance of witnesses or to take evidence under oath, nor any authority to make any initial decision save that of recommending the appointment of a board of inquiry (and, correlatively, of refusing so to recommend). It also has no role in recommending to the Minister the order that should be made to implement the recommendations of a board of inquiry but, as the Court reads section 13 (6), the Minister is left with discretion to decide whether he will accept the Commission's proposal.

"'Rights at law' ... are not rights to refuse obedience to an applicable law."

What has exercised counsel for Bell are the dual enforcement provisions of the Code. One route to the establishment of a violation of section 3 is through a board of inquiry, an implementing order of the Minister and, if there is no compliance, a prosecution under section 14 for contravention of the order. Another, more direct, route is by lodging a prosecution under section 14 without having a board of inquiry. As previously noted, the Court cannot force the Commission or the Minister to proceed by one of the routes rather than the other. Ultimately, there is a convergence in prosecution which, if successful, results in a fine of \$100 in the case of a convicted individual.

One of the objections taken to the board of inquiry route for enforcement was that the board's findings and the implementing order of the Minister (the range and limits of which are not specified in the Code) would be unreviewable if prosecution followed to enforce compliance with the order; and once conviction would be automatic. This objection takes the present case far beyond its setting, and reinforces the submission of counsel on behalf of the Commission that the proceedings before Stewart J. were *quia timet* proceedings and not the subject of prohibition. It is obvious that the objection above-noted raises issues whether any jurisdictional attack on the board of inquiry or on the implementing order of the Minister should be made before prosecution is launched for non-compliance or whether such a prosecution can be defended on the ground of some vulnerability in the proceedings of the board of inquiry or in the order of the Minister. These issues do not call for determination here, and their importance makes it prudent to defer a decision on them until they come squarely before the Court.

The chief ground upon which counsel for Bell sought to support the order of prohibition was that section 13 of the Code was inconsistent with the purpose of that legislation as

expressed in the preamble and in section 8, that it deprived Bell of his rights at law, and that, although it was not *ultra vires* in a constitutional sense, it was so offensive to democratic principles as to justify a Court to prohibit its invocation. This is a startling proposition and counsel conceded its novelty but he urged that it was addressed to a novel situation, and he invoked, by analogy, the celebrated but indefensible statement in *Bonham's Case* (1610), 8 Co. Rep. 113 b, 118 a, 77 E.R. 646, 652 that "the common law will control Acts of Parliament and sometimes adjudge them to be utterly void; for when an Act of Parliament is against common right and reason, or repugnant or impossible to be performed the common law will control it, and adjudge such Act to be void."

Section 8 has already been quoted. The preamble relied on by counsel reads in its relevant portion as follows:

"And whereas it is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin."

Counsel emphasized the word "rights," and, indeed appeared to stop with that word, and purported to find in it a guarantee that Bell need not submit to the kind of investigation envisaged by section 13 but could insist as of right on being confronted by his accusers in a summary conviction Court.

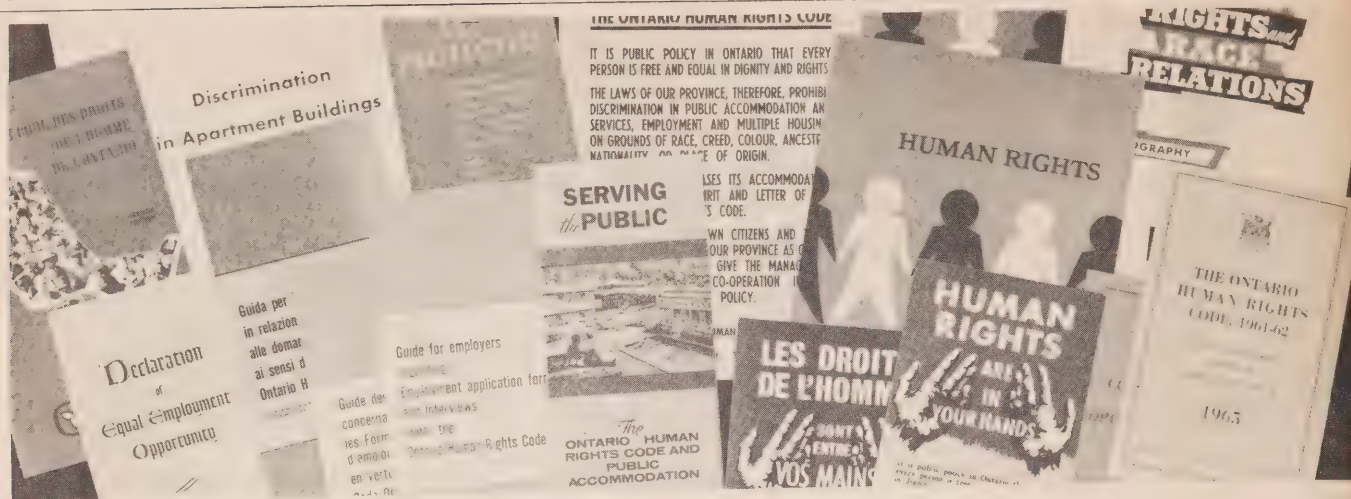
This contention is unacceptable. The Courts construe legislation and apply it to situations found to be within its scope. They cannot ignore it when a situation to which it is addressed — and that is the case here — comes before them; and what is true as to an entire statute is equally true as to its parts.

"Neither Bell nor any other citizen has any legal immunity from administrative procedures prescribed by a competent legislature for effectuating a policy which has been translated into substantive statutory prescriptions."

Bell's "rights at law," as his counsel used the phrase, are not rights to refuse obedience to an applicable law. Of course, the Code has drastically changed the common law position of owners of certain kinds of housing accommodation, as it has changed the position of employers and of operators of places to which the public is customarily admitted. But, the Courts of this country have no mandate to enforce their own, let alone Bell's, notions of substantive due process to nullify legislation which is competently enacted under the constitutional distribution of legislative powers; at the most, they may, where the legislation is open to such construction, enforce procedural due process in line with principles worked out by common law techniques.

Apart from the lack of merit in the submission under consideration, it baffles understanding of its basis in the preamble to the Code or in section 8 or in both combined. The Code details what the preamble proclaims. Far from there being any contradiction between section 13 and the preamble (as reinforced by section 8), there is consonance. Neither Bell nor any other citizen has any legal immunity from administrative procedures prescribed by a competent legislature for effectuating a policy which has been translated into substantive statutory prescriptions. This is, at bottom, what counsel for Bell contends. It cannot avail.

The appeal should be allowed, the Judgment of Stewart J. should be set aside and in its place there should be an order dismissing the application. Since this is apparently the first time that the Ontario Human Rights Code has been brought before the Supreme Court, there will be no order as to costs.



Publications Available

ONTARIO HUMAN RIGHTS CODE

A 16-page pamphlet containing the complete text of the Code with a short preface by Honourable John P. Robarts, Prime Minister of Ontario. Available in English and French.

★ ★ ★

YOUR RIGHTS ARE PROTECTED

A brochure outlining in brief the program of the Commission and the role of the public in helping to promote human rights in Ontario. Useful for widespread distribution. In addition to the English edition, this is now available in ten other languages: Croatian, Dutch, French, German, Greek, Hungarian, Italian, Polish, Portuguese and Ukrainian.

★ ★ ★

HUMAN RIGHTS IN ONTARIO

A comprehensive pamphlet summarizing the provisions of the Code and outlining the activities of the Commission and the role of the community in furthering human rights in Ontario. Available in English and French.

★ ★ ★

HUMAN RIGHTS FILMS

A list of 16 mm. films dealing with problems of prejudice and discrimination and available through local film libraries.

SERVING THE PUBLIC

A leaflet dealing with the fair accommodation practices provisions of the Ontario Human Rights Code and attempting to answer some of the questions asked by tourist resort operators and proprietors of public places regarding the effects of fair practices. Available in English and French.

★ ★ ★

THE AGE DISCRIMINATION ACT

The text of the Act. Available in English and French.

★ ★ ★

CASE STUDIES AND COMMUNITY ACTION PROGRAMS

A pamphlet describing the conciliation process and containing a selection of case studies and community action programs under the Ontario Human Rights Code and the Age Discrimination Act.

★ ★ ★

HUMAN RELATIONS

If you would like to receive your copy of "HUMAN RELATIONS" regularly, we should be glad to add your name and those of any of your friends to our permanent mailing list.

Address all requests to:

Ontario Human Rights Commission
74 Victoria Street, Toronto, Ontario

AFTER FORTY

A brochure describing the role of the older worker in the present day economy. Available in English and French.

★ ★ ★

DISPLAY SCROLL: THE ONTARIO HUMAN RIGHTS CODE

The text of the Code on a two-colour scroll with gold border, suitable for framing and displaying in public buildings, churches, schools, hotels and tourist resorts, offices, libraries, industrial plants, community centres etc. Available in English and French.

★ ★ ★

EMPLOYERS AND HUMAN RIGHTS

A brochure describing the responsibilities of the Commission to employers and of employers under Ontario human rights legislation and in relation to employment agencies.

★ ★ ★

GUIDE FOR EMPLOYERS

A brochure outlining the provisions of the Ontario Human Rights Code in relation to employment applications and job interviews and containing a chart listing the questions which may and may not be asked of applicants. Available in English, French and Italian.



HUMAN RELATIONS

PUBLISHED BY THE ONTARIO HUMAN RIGHTS COMMISSION

Vol. 11

March, 1971

No. 19



Walk-Through Exhibit at Canadian National Exhibition, Toronto

BRINGING HUMAN RIGHTS AGENCIES TO THE PEOPLE

See "Governmental Human Rights Agencies in Canada and Great Britain", page 3



Commission Community Relations Work in Algoma District

Second meeting of the Ontario Provincial Police-Indian Communities Liaison Committee was held in December on the Garden River Indian Reserve. Purpose of the Committee, launched under Commission auspices, is to permit a frank exchange of experiences and ideas and thus open effective lines of communication between the O.P.P. and Indians in the Algoma District. Committee headquarters are in Sault Ste.

Marie. Other similar committees may be set up later. Picture shows, back row, left to right, Chief Andrew Rickard, Union of Ontario Indians; Supt. W. G. Milton, O.P.P., Sault Ste. Marie; Chief Supt. L. Gartner, O.P.P. Toronto; Robert V. McPhee, Assistant Director of the Ontario Human Rights Commission; Chief W. Owl, Spanish River Reserve; seated in front is Chief R. Pine, Garden River Reserve.

Human Relations

Vol. 11 - March, 1971 - No. 19

Published by

Ontario Human Rights Commission

Hon. GORDON CARTON, Q.C.,
Minister of Labour

LOUIS FINE, LL.D., *Chairman*

THOMAS M. EBERLEE, *Secretary*

DANIEL G. HILL, *Director*

GORDON GREENAWAY,

LITA-ROSE BETCHERMAN, Ph.D.

Members

OFFICES:

Ontario Human Rights Commission,
74 Victoria St.,
Toronto, Ont.

Southwestern Regional Office:
500 Ouellette Ave.,
Windsor, Ont.

Northern Regional Office:
235 Bay St.,
Thunder Bay, Ont.

Eastern Regional Office:
2197 Riverside Drive,
Ottawa, Ont.



IN THIS ISSUE

Community Relations Work in Algoma District	2
Governmental Human Rights Agencies in Canada and Great Britain	3
Supreme Court Decision On Human Rights Code	11
International Year Against Racism and Racial Discrimination, 1971	19
The Effect of a Large Immigration Wave on a Previously Homogeneous Community: A Case Study	20
Commission Roundup	23
Mark Bonham Carter Assumes New Functions	24

Governmental Human Rights Agencies in Canada and Great Britain

The 1960's saw the beginnings of formal human rights agencies, as governments recognized their necessity, and the 1970's seem likely to see their full flowering across Canada and in Britain. Ontario is proud to be in the vanguard of this movement.

Here is a brief overall view of the governmental human rights agencies already in full operation. Of interest is the diversity of functions assumed by the various jurisdictions. There seems little doubt that they will all be enlarged in scope and operations as harmonious intergroup relations is recognized as a prime objective of governmental action in this era of extensive immigration and greater awareness of the full implications of democracy as applied to every citizen.



The Fair Employment Practices Branch Canada Department of Labour

By

G. G. Blackburn, Director

A separate branch of the Canada Department of Labour — the Fair Employment Practices Branch — was set up in 1967 with a director and full-time staff to administer the Canada Fair Employment Practices Act 1953. The Act prohibits discrimination in employment or trade union membership within federal jurisdiction on the basis of colour, race, religion or national origin, and applies to employment and trade union membership in undertakings of an interprovincial or international character, such as railways, shipping, airlines, broadcasting, telegraphs and banks, as well as to some other undertakings which have been declared by Parliament to be for the general benefit of Canada, including uranium mining and grain elevators.

The Fair Employment Practices Branch has also been given responsibility to develop and promote a national educational program designed to create a climate in

which the spirit and intent of the law would be carried out and full equality of opportunity would become a reality for all Canadian residents.

One of the first effects of establishing a full-time staff to administer the Act was a remarkable increase in the number of complaints for investigation, which will exceed 100 this fiscal year.

The majority of complaints received have been from Negroes, East Indians and Canadian Indians — in that order, and to date it has not been necessary to recommend a public inquiry commission to resolve a complaint.

The Branch does not attempt to assess success or failure of investigations from the standpoint of the complainant alone. It is considered that every case thoroughly investigated is of benefit to both the complainant and the respondent, not only in cases where the discrimination is uncovered, but also where the complaint is

not substantiated. In many cases, the unrecorded result of an investigation was to shed light into dark corners of a respondent's administration, or to alert executives to the need for more awareness and understanding of minority problems.

At the same time an investigation is judged to have significant results when a complainant is offered a job, training, or promotion, or is assured of first chance at a future opening for a job or promotion; when an employer improves his hiring policies in regard to minorities; when an employer or a union undertakes affirmative action, or when a continuing relationship is established between minorities and employers, unions and their communities. In about 30 percent of the cases investigated, such significant results are achieved.

A notable development in national policy pursued by the FEP Branch, and which is being given increasing attention

by human rights agencies in several provincial jurisdictions, is the promotion of the principle of affirmative action by governments, employers and unions — not just to eliminate discrimination *per se*, but to extend practical assistance and encouragement to historically socially-disadvantaged groups, such as Indians, Eskimos and Blacks, so that they will come forward for training and employment in increasing numbers.

During the past two years officers of the Branch have held meetings in all parts of Canada with executive officers of national, provincial and local labour and employer organizations, have addressed meetings of these organizations, and have held discussions with individual employers and unions in an attempt to persuade them to take affirmative action — to undertake active recruitment and provide special training programs to meet the needs of seriously-disadvantaged minorities.

In several instances, the Branch has combined with provincial human rights agencies, particularly Ontario, Nova Scotia and New Brunswick, in encouraging the development of prestigious local committees involving representatives of municipal government, employer or-

ganizations, organized labour, minority groups, the churches, etc., with the object of organizing community surveys, orderly documentation of patterns of discrimination, and confrontations between minority group leaders and the community leading to affirmative action programs to improve employment and training opportunities for the disadvantaged.

Federal-Provincial co-operation in the field of human rights in employment has continued to develop in many ways, through joint projects and a continuing exchange of information.

In these efforts, the principle of self-determination by minority people has been recognized, encouraged and supported as being of paramount importance to the ultimate success of any program designed to gain equality of opportunity.

In co-operation with the provincial human rights commissions in Nova Scotia, New Brunswick and Ontario, the Fair Employment Practices Branch has assisted in several community-oriented programs designed to awaken the white majority to the needs of Black and Indian minorities. These have been located in Halifax, N.S., Saint John, N.B. and Windsor, Chatham, London, Sudbury and Kenora, Ontario.

These projects are still in various stages of evolution and are too new in most cases to report tangible results apart from encouraging support from municipal officials, employer organizations and organized labour. However, in some areas federal employers have undertaken pioneer experiments in hard core recruitment, and employment doors have opened for members of minority groups where previously none were employed. In some cases, the effects of local affirmative action decisions have spilled over into the national picture, resulting in active support by large employers and unions for an educational program among other employers and unions.

In some cases, provincial labour unions have thrown their support behind attempts to organize affirmative action recruitment (e.g. British Columbia in the case of Indians and Nova Scotia in the case of Blacks) and direct liaison and dialogue is being established between unions and minorities for the first time. By such means minorities are no longer invisible and white unawareness of minority problems is being dispelled.



Department of Labour and Manpower Resources, Prince Edward Island

By

J. Vincent MacIntyre, Labour Standards Inspector

The Prince Edward Island Human Rights Act came into force in April, 1968 and is similar to the human rights acts in other provinces.

It forbids discrimination on the grounds of race, religion, religious creed, colour, ethnic or national origin in such matters as employment and accommodation. Persons who make a complaint or participate in an investigation are protected against dismissal or other penalty. The Act binds the Crown and all agencies thereof.

The prohibitions against discrimination in employment do not apply to non-profit charitable, religious, philanthropic, educational, fraternal or social organizations, or to domestic servants employed in private homes.

Provisions for equal pay are included in the Act. They forbid an employer to pay a female employee at a rate of pay less than the rate paid to a male employee for substantially the same work in the same establishment. The Act makes it clear that a difference in wage rates based on any factor other than sex shall not constitute a failure to comply with the equal pay section.

The Minister of Labour, Industry and Commerce is responsible for the administration of the Act and he may appoint an official of the Department of Labour to assist him.

In the two and one-half years the Act has been in force, only four complaints have been made on discrimination in em-

ployment and accommodation, and only one under the equal pay section of the Act. The small number of complaints seems to indicate that the Province is relatively free of discriminatory practice. While such an assumption would be open to question, it is generally recognized that the opportunity for discrimination does not exist to the same extent as may be found elsewhere in Canada. This is due primarily to the fact that we have a all-white population of approximately 108,000. Consequently, discrimination because of race or racial origin is not likely to occur. Happily, discrimination because of religion or religious affiliation is a thing of the past.



The Nova Scotia Human Rights Commission

By

Marvin Schiff, Director

In the midst of a human rights controversy that achieved national attention, the Government of Nova Scotia took a major stride two years ago toward establishing an aggressive human rights program.

With human rights very much a public issue in late 1968, the Government appointed its first Human Rights Director and moved quickly towards a consolidation and improvement of existing human rights legislation that resulted in the Human Rights Act of 1969. The legislation, fundamentally the same as Ontario's, although varying somewhat according to local needs, accorded full responsibility — including enforcement — to the Commission and marked the start of what was hoped would be a new and better era of intergroup relations in the Province.

Armed with new legislation and the nucleus of a full-time staff, the Nova Scotia Human Rights Commission launched into an operation that, according to statistics to the end of November, 1970, has resulted in the handling of 152 formal cases, 40 informal cases, 76 miscellaneous matters and a host of referrals to other agencies, departments and community organizations.

The Commission's formal caseload has grown geometrically rather than arithmetically. In 1970, the second year of operation as a full-time, consolidated operation, the Commission received two-and-a-half times as many formal complaints as in 1969. Four Boards of Inquiry, the only procedures of this kind held thus far under any such legislation in Nova Scotia, were held in 1970, and only in one of these instances was it necessary to proceed through the entire inquiry process. With regard to settlements, three of these resulted in financial compensation being paid the complainants to a total of \$340.

As might be expected, given the makeup of Nova Scotia's minority group population and the tenor of the times, complaints from Blacks dominate the Commission's case log. And, since the heaviest concentration of Blacks, and the most intense minority-group self-awareness, are in the Halifax-Dartmouth area, most

complaints have come from this region. In recent months, however, a modest but significant increase has been noted in complaints from the Province's 4,500 MicMac Indians and many more complaints are being received from the more remote areas.

These broadening trends are likely to be accelerated as the Commission opens regional offices, a process it is hoped will be initiated within the next few months.

An analysis of complaints received to date indicates that employment discrimination is the area of greatest concern. Complaints about public services — mostly governmental or institutional — made up the second largest category, but there was also a highly significant number of cases related to housing.

While enforcement is, in the public's eye, the yardstick by which the Commission's effectiveness is judged, the Commission itself considers what one might call remedial efforts to be of somewhat greater importance in the long run. Consequently, while we have given enforcement priority in terms of staff time, we have attempted to concentrate on an extremely broad range of other human rights programs.

Our efforts in this regard have been based on a number of fundamental principles. First of all, although a governmental agency, we see our prime responsibility as being to the people of Nova Scotia. Secondly and following from that, we have tended to define "minority groups", the particular segment of society to whom we feel a primary responsibility, in a very broad sense. We therefore take most seriously that section of our Act that assigns us the responsibility of assisting and co-operating with "any organization or body concerned with human rights", noting the absence in that section of any limitation to racial, religious or ethnic groups.

Consequently, the Nova Scotia Commission has become involved — often quite deeply involved — with citizen groups concerned with a wide variety of human rights problems in the broadest sense of the term. Early in 1970, for example, we financed, and participated with,

social service agencies and poverty groups in a videotape presentation to the Senate Committee on Poverty that helped evoke a gut-reaction from low income groups in this province, made the dissatisfaction of the poor unequivocally clear to the Committee and set the tone for other Committee hearings across Canada.

In this same vein, continuing a policy of aiding citizen groups organize to exercise more direct influence on the policies that affect their lives, the Commission provided a demonstration grant and advice to help a former public housing tenant organize effective local public housing tenants' associations and bring them together in a provincial council. A smaller grant was also given to a local Welfare Rights Committee to enable them to send delegates to the recent national Poor People's Conference in Toronto.

Meanwhile, working with people's groups and social service agencies, the Commission has played a significant part in pressing for major changes in the minimum housing standards legislation of the City of Halifax and the implementation of new tenant-landlord legislation at the provincial level. Submissions to a Legislature committee studying the matter of an ombudsman in Nova Scotia and a committee studying Nova Scotia's legal aid system, based on our direct experience with related matters, were also made by the Commission.

In keeping with what might be considered our more formal areas of concern, Commission officers have been evolving programs affecting problems, current and potential, in racially integrated schools. Primary focus in this regard has been on teacher attitudes and practices, curriculum and guidance programs as they affect children from minority groups and low-income communities. Meanwhile, studies of sex and age discrimination are under way as well as a survey on discrimination against welfare recipients. At the same time, a minority-group employment program — involving the Fair Employment Practices Branch, minority-group organizations, labour and business — is in the planning stage.

In terms of public education, the Com-

mission, among other things, has thus far widely distributed the Human Rights Act, in English and French, published an employment practices guide for employers, aired public service announcements on television, distributed a human rights display card and funded the publication of a pamphlet on tenant-landlord law. In preparation are a text on Black history in Nova Scotia which is to become an adjunct to the school curriculum, a portable display on Blacks in Nova Scotia

and a publicity program linked with a project on employment application form reviews in Halifax.

We have also co-sponsored a two-day conference, featuring Saul Alinsky, the noted U.S. social activist, on social action and contributed to other conferences and seminars, one of the latest being a legal seminar on Indian treaty and aboriginal rights, in co-operation with the Union of Nova Scotia Indians.

There is little doubt that the human

rights atmosphere in Nova Scotia has changed considerably in the past two years. There is certainly an increase in awareness of human rights problems in all segments of the community. Perhaps part of the change has been the crystallization of attitudes, for better or worse, a process that always accompanies change. It is impossible to quantify the Commission's contribution to the change, but there are few who would deny that it has been considerable.



The Ontario Human Rights Commission

By

Louis Fine, LL.D., Chairman of the Commission

The Ontario Human Rights Commission prides itself on being — and remaining — in the vanguard of governmental human rights bodies on this continent. Under its present name it came into being in 1962, though there is a long history of human rights legislation in Ontario going back to 1793.

The Commission administers the Ontario Human Rights Code (1961-1962) and the Age Discrimination Act (1966), both of which have had successive amendments enlarging their scope. The Code prohibits discrimination in employment, housing, and public accommodation on the basis of race, creed, colour, nationality, ancestry or place of origin. The Age Discrimination Act prohibits discrimination in employment and in job advertisements on the basis of age and applies to men and women between 40 and 65.

The Commission is headed by five Commissioners, including the Deputy Minister of the Department of Labour, who acts as Secretary, the Director of the Women's Bureau, and the staff Director of the Commission, Dr. Daniel G. Hill.

In addition to the Commission's Toronto office, we have three regional offices, one of which covers the enormous area of northern Ontario from its centre at Thunder Bay. The full professional and clerical staff numbers 22 officers and 10 secretaries. Officers from each region make regular visits to other cities; the expectation is that permanent, sub-regional offices will be established in those cities in the near future.

Since its inception the Commission has handled 2,148 formal cases, 655 informal cases and 23,039 miscellaneous cases; the last includes complaints outside our jurisdiction and inquiries of every kind. There have been close to 80 public Boards of Inquiry. Three cases went into the Ontario courts or the Supreme Court of Canada. The largest number of complainants have been members of visible minorities; second largest have been European immigrants, followed by cases of discrimination against Jews.

The Commission acts upon receipt of a complaint. We have a notable provision in the Code which prohibits reprisals in the employment area against a complainant or any person who participates in any way in the investigation of a complaint.

Much work is done on an informal basis, using the Commission's good offices in cases which do not fall within the formal jurisdiction of the Commission. In this category of action are the agreements signed with particular professions by which they agree to abide by the provisions of the two Acts administered by the Commission. Examples of such bodies are the Association of Professional Placement Agencies and Consultants and the Ontario Association of Real Estate Boards.

This is only part of the broad educative effort which proceeds hand in hand with the case-load work. Over one-and-one-half million pieces of literature have been distributed and almost 1,000 speeches and broadcasts have been made since the Commission's inception. Con-

sultations with community organizations have risen to over 1,200. There have been seven major conferences sponsored by the Commission, including the first governmental conference in Canada on age discrimination, held in 1970.

Research is the third prong of the Commission's three-pronged attack on discrimination in Ontario. Sixteen master's theses have been written on the Commission and studies have been undertaken, under Commission sponsorship, by three Ontario universities and the Ontario Institute for Studies in Education.

The Commission's activities have done much to bring the situation of the Indians in the province to the forefront of public attention. Working with other branches of the Ontario Department of Labour, we have improved their employment conditions and rectified wage abuses in the northern part of the province; close to \$10,000 has been collected in wages owing, in the three years since the program began. This has done much to gain the Indians' confidence for the reporting of human rights violations.

Another segment of the community which has required special attention is the large concentration of recent European, Asian, and Caribbean immigrants in downtown Toronto. A storefront office was set up a year ago, in conjunction with other branches of the Labour Department, to help immigrants thread their way through the intricacies of a society new to them and whose language many do not speak. "Services For Working People", as it

lled, has translators covering virtually every language likely to be needed and handles a growing volume of cases of every kind. Some of the Commission's brochures have been translated into as many as nine languages to explain the workings of the Commission for these recent arrivals and to inform them of their

rights and where they can go to seek redress of wrongs.

The Commission looks forward to a growing case load in the future, not because of any increase in bigotry, but because more people will become acquainted with the facilities of the Commission and

because using those facilities will become more broadly acceptable. This will be of particular value in the case of age discrimination affecting members of the majority, for they will lose their aversion to lodging a complaint as age discrimination becomes as socially reprehensible as acts of bigotry have already become.



The Attorney General and Crown Solicitor, Government of Saskatchewan

By

Hon. Darrel V. Heald, Q.C., Attorney-General

The Province of Saskatchewan has three pieces of legislation dealing specifically with human rights. All are under the jurisdiction of the Attorney General. They are The Saskatchewan Bill of Rights, 1965, The Fair Accommodation Practices Act, 1965, and The Fair Employment Practices Act, 1965.

The Saskatchewan Bill of Rights establishes the basic rights of Saskatchewan citizens. These have been accepted by most jurisdictions and probably do not need further explanation for the purpose of this article.

The Fair Accommodation Practices Act deals with discrimination in public accommodation and The Fair Employment Practices Act is designed to prevent discrimination in employment.

Discrimination in Saskatchewan does not include age or sex discrimination. The Government is presently studying such legislation.

The basic administration of all acts is similar. If the Minister (Attorney General) receives a written complaint that a right has been infringed or an attempt has been made to infringe a right set out, he may appoint an officer to investigate the com-

plaint. The officer is also required to endeavour to effect a settlement of the matter complained of.

The officer must report back to the Minister. If the officer is unable to effect a settlement, the Minister may appoint a commission to inquire into the complaint. The commission has full powers of inquiry and its decision is not reviewable by the courts.

But each Act has a penalty section which may be enforced upon the information of any person alleging on behalf of himself or of any class of persons that any right entitled has been denied, abridged or restricted or that an attempt to deny, abridge or restrict any such right was made.

When it is established that the accused or anyone on his behalf deprived, abridged or restricted or attempted to deprive, abridge, or restrict the enjoyment of the accommodation, or facilities of public places, then the onus is on the accused to prove he did not discriminate because of race, religion, religious creed, colour, ethnic or national origin.

The prosecution must be with the consent of the Minister and when a conviction

is obtained, injunction proceedings are available.

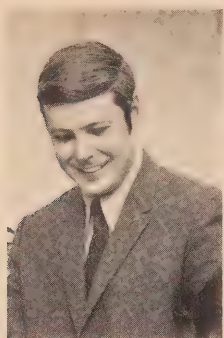
These are the basic procedures as set out and they apply to all three statutes.

In Saskatchewan practically all cases involve allegations of discrimination against Indians and Metis, and most deal with allegations under The Fair Accommodation Practices Act.

The Department has recently found that in some cases an investigating officer would be wasting his time as some groups do not wish a settlement. They simply want charges laid. In these cases we instruct our prosecution staff to have an investigation by the nearest police force with a view to laying charges if the evidence warrants them.

In the promotional area, the Government has one Crown Solicitor available to advise native groups. The Government also has established the Indian and Metis Department which is very active in the extension field.

The Government of Saskatchewan feels that with its present programs a formal Human Rights Commission is not necessary. However, this situation is under regular review.



Human Rights Branch Alberta Department of Labour

By

K. C. Henders, Administrator

In September of 1966 Alberta became the second province to have a full-time agency promoting its human rights legislation. Unlike its kindred agencies which, apart from the Federal government, operate within the framework of a commission, the Alberta Human Rights Branch is unique in that its administrative structure is headed by an Administrator responsible to the Minister of Labour. The work here is viewed as essentially two-fold — first, enforcement of that mandate given to the Branch by legislation which prohibits discrimination in employment, public accommodation and services, and apartment housing; and second, public education.

The first of these concerns is accomplished through the handling of individual complaints of discrimination so as to remedy the situation and at the same time provide a meaningful educational experience for the parties involved. Although we have recourse to the more stringent measures of enforcement — such as a public hearing and court prosecution — it is our policy to employ suasion and conciliation unless or until found to be ineffective. To take a page from Benjamin Franklin's book of philosophy, "Many unpleasant encounters can be avoided if only we remember to leave the other party room to turn about gracefully".

To date it has been unnecessary to take the more abrasive course of public hearing and court prosecution since those matters that have fallen within the Branch's jurisdiction have been settled at the more informal level. So our primary concern, then, is not just to build an airtight case for the prosecution of John Doe but rather to work with him, help him recognize his unfair biases as not

being in line with the highest dictates of our society and make the adjustment on the basis of reason and fair play rather than force.

Although complaints have been registered with the Branch by persons representing the entire ethnic spectrum, Native Canadians, or Indians and Metis, have furnished the largest number of grievances. Blacks rank second despite the fact that there are only about 1,500 persons of Black background throughout the whole of Alberta's 225,285 square miles.

A great deal of prejudice which we uncover in this jurisdiction is quite unlike the more blatant forms of bigotry that we have come to associate with certain regions south of the border (although we are by no means free from that, either). Instead, it is a more subtle or unthinking kind of inequitable treatment that minority persons find themselves up against here. For instance, the contractor who housed his Indian workers in tents in 50 below weather while his white employees slept and ate in heated bunk trailers, was not really doing this out of any base motive. It was only that this was the way it had always been done and nobody ever really thought to ask the Indians themselves if they were satisfied with this arrangement.

The educational thrust of this agency has been directed into a variety of channels. A number of brochures publicize specific features of the human rights legislation in more popular form. Some of these brochures have been made available in different languages including Cree, which is understood by the majority of Alberta's Indian population. A quarterly newsletter, *Human Concern*, is distributed

free of charge to those requesting it. A multi-coloured human rights placard is available to enhance the walls of tourist establishments and other businesses which offer services to the public; while an illuminated and framed scroll bearing an expression of those protections of rights enjoyed by Albertans has been forwarded to every school and major public building throughout the Province. A library service is provided by the Branch and human rights displays are set up from time to time at various public gatherings.

Typical of some of the other projects in which the Branch becomes involved was the committee set up under the auspices of the Provincial Department of Education to remove from the school curriculum certain materials considered detrimental to Native persons. The Branch works closely with citizens' organizations who share our concerns and also maintains working links with the Native Friendship centres throughout the Province. We have, as well, a continuing program to assist businesses and other concerns with the up-dating of their application for employment forms through the removal of potentially discriminatory specifications. Speaking engagements, radio and television interviews, programming in schools and other groups round out the agenda of activities.

So it is through this two-pronged effort of enforcement on the one hand and education on the other that the Alberta Human Rights Branch is working toward that day when persons will not be prejudged according to their group affiliation — but will be accepted by their fellows strictly on the basis of individual merit and personal worth.



Human Rights Act, British Columbia Department of Labour

By

John C. Sherlock, Director

The British Columbia Human Rights Act is under the aegis of the Provincial Department of Labour.

The director is an officer of the Department of Labour designated by the minister for the purposes of this Act.

The Human Rights Commission — established by the Lieutenant-Governor in Council — consists of a chairman, two vice-chairmen and six members. A majority of the members of the commission, including the chairman or vice-chairman, constitute a quorum. The commission is empowered to make final orders for the disposition of complaints referred to it under the Act.

A person who feels he is discriminated against is invited to complete and sign the requisite complaint form and mail or deliver it to the Director. Upon receipt of this formal complaint the Director may designate an Industrial Relations Officer, of which there are 47 stationed throughout the Province, to investigate the complaint and endeavour to effect a settlement.

Every effort is made to conciliate the complaint and to obtain a settlement. After interviewing the complainant, the respondent, and all other individuals involved in the case, the investigator might request both parties to attend a meeting

for face-to-face discussions of the complaint. A report is then made by the investigator to the Director, either substantiating or disallowing the charges. If the matter complained of is not settled, the Director may refer the matter to the Commission. If, in the opinion of the Commission, a complaint referred to it is without merit, the Commission may dismiss the complaint at any stage of the proceedings. If, in the opinion of the Commission, the complaint is a valid one and a person named in a complaint has contravened any provision of this Act, the Commission

- (a) shall make an order directing the person to cease the contravention;
- (b) may, in the same order or in a subsequent order, direct the person to rectify the contravention; and
- (c) may include in an order a direction
 - (i) that an employer employ or re-employ a person and pay the person the sum equal to wages lost by reason of the contravention; or
 - (ii) that a trade union include a person in membership or reinstate him as a member,
 and the order is final.

Most complaints concern discrimina-

tion because of the age of a person in the matter of employment if the person has attained the age of 45 and has not attained the age of 65. There is an exemption if a bona fide pension plan allows for retirement at an age earlier than 65. Recently, a school board re-hired a female employee retired at 60 when she complained that since she was not covered by a bona fide pension plan, discharge because of age prior to 65 years was in contravention of the Act.

A major hospital was ordered by the commission to pay in excess of \$20,000 in back wages to female employees for contravening the principle of equal pay for the same work or substantially the same work done in the same establishment.

Complaints based on colour, religion and national origin have been minimal.

20,000 booklets titled "Women and the Law in British Columbia" have been distributed together with 6,000 booklets titled "Establishing a Business in British Columbia". Both publications, besides describing the many services provided by the British Columbia Department of Labour, describe the Human Rights Act. New publications — revised where they are required — are now being printed for distribution.

Race Relations Board, British Home Office

By

John Lyttle, Chief Officer

The first legal restraints on racial discrimination in Britain were imposed by the 1965 Race Relations Act. That Act prohibited discrimination on grounds of "colour, race or ethnic or national origins" in a limited range of what North Americans would call public accommodations. It started off as a criminal Bill, but a North American lesson was learned in the nick of time. Enforcement was kept

out of the criminal courts and the Race Relations Board was created to secure compliance with the law.

The statutory function of the Board in the next three years was a rather narrow one. Public houses (bars, pubs etc.) were by far the most numerous establishments caught by the law, and enforcement presented surprisingly few problems. Much the most important role of

the Board, however, was to demonstrate that the law could be used effectively to tackle the (for Britain) relatively new and delicate issues of racial discrimination.

The 1968 Act

By the summer of 1967 Roy Jenkins, then Home Secretary, had announced the Government's intention to extend the 1965

Act to include employment, housing and virtually every public aspect of life. The consequent 1968 Race Relations Act came into force at the end of November that year. There is a long way to go before it could be said that the Act was achieving maximum effectiveness. But it is by now a firmly established piece of legislation which few (and certainly not the new Conservative Government) would seek to repeal.

The Race Relations Board retains the job of securing compliance with the law. It does so basically in three ways. Firstly, by the investigation of complaints which are made by people who believe they have been the victims of unlawful discrimination. Secondly, the Board has the power to institute an investigation without a complaint if it has reason to suspect that an unlawful act has been committed. Thirdly, the Board has a preventive, educational role to play; it does not have the wider educational role of the Community Relations Commission, but it does have the particular role of seeking to educate potential discriminators.

Complaints

In each of the first two years of operating the 1968 Act, the Board received about 1,400 complaints. Just over half have related to employment. The remainder have covered virtually every area to which the Act applies. For a variety of reasons (not all of which are yet clear) the rate at which the Board has found unlawful discrimination has increased steadily to around 18% of all complaints. That clearly has something to do with the "quality" of complaints made, but one hopes it also has something to do with improved methods of investigation.

The mechanics of investigations are simple enough, though the Board has substantially less discretion than most North American agencies. The Board has statutory duties:

- (a) to receive complaints;
- (b) to make such enquiries as it "thinks necessary";
- (c) to "form an opinion" as to whether any unlawful act has been done;
- (d) if it forms an opinion of discrimination, to "use its best endeavours" to secure a settlement of the victim's grievance and a formal assurance against further discrimination;
- (e) if conciliation fails, to determine whether or not to bring proceedings for enforcement in the courts.

Thus the only stages at which the Board has discretion are as to the extent of an investigation and as to whether or not to bring proceedings in the courts.

The fact that the Board is obliged to

receive, investigate and form an opinion about any valid complaint, however trivial or vexatious, can and does occasionally lead to problems imposed by malevolent complainants. But these limitations on the Board's discretion may be wise ones in view of the fact that only the Board can go to the courts — a dissatisfied complainant has no recourse beyond the Board.

The inadequacy of relying on complaints for the effective enforcement of anti-discrimination laws is well known. Most victims do not complain. Many victims don't know they have suffered. People stay away from places where they think they might suffer discrimination. All these factors are accentuated in Britain where virtually all coloured adults are immigrants, feeling all the usual restraints migrants feel in a new country.

Investigations without complaints

Section 17 of the 1968 Act, which gives the Board power to investigate without a complaint, is not the more general power available to some North American agencies to make "pattern enquiries". If the Board is to insist on changes in practice by an employer, real estate agent or whatever, it first has to find a specific unlawful act. The mere existence of a discriminatory pattern is insufficient without finding a victim. In practice the weakness is not so great as in theory, however — as yet, anyway.

The use of Section 17 has increased at a progressive rate in the two years the Act has been in force. It has brought substantial results, generally at a considerably greater rate than complaint-based investigations.

Special Features

There are a number of ways in which the job of the Race Relations Board in Britain differs from that of most similar agencies in North America. Firstly, as to the law itself. Some differences arise from differences in the situations, but others arise from lessons learned from North American experience — though not all the lessons were learned, by any means! One significant feature of the British law is that neither the Attorney General nor any Minister has any part to play in proceedings in the courts. That is entirely a matter for the unfettered discretion of the Board.

Secondly, the Board's operations and budget are not matters for annual review by Parliament. That is not to say that the Board is a separate power unto itself, which can blithely ignore the views of the executive or legislative arms of government. Clearly it is not; the members of

the Board are appointed by the Home Secretary and the Board is dependent upon money voted by the House of Commons. But there is in Britain no pattern of executive or legislative intervention in the work of statutory agencies such as that which appears to obtain in the U.S.A. at both federal and state levels. A British statutory agency can, of course, become a political football, but not often — and anyway it has not been so in the case of the Board.

The race relations scene

Perhaps more significant differences arise from the elements of race relations in Britain as compared to the U.S.A. in particular. For example, the vast majority of coloured adults in Britain (who represent a little over 2% of the total adult population) are themselves immigrants in the strict sense of the word. More than half of them have come to Britain within the past ten years and most of the remainder within the past fifteen years. That factor has a number of obvious consequences. Immigrants have come to Britain in search of work. They are not bowed down by generations of discrimination and misery. They are enterprising and hopeful or they would not have come.

On the other hand, as immigrants they tend to count their blessings and not complain (in any formal sense anyway) when they feel aggrieved. As immigrants, too they suffer the age-old consequences of migration — the disadvantages of growing up elsewhere, language problem (though not for all), social and cultural conflicts within families and individuals. Britain is not well-equipped by experience to deal with the social consequences of immigration. Unlike Canada and the U.S.A., we have never consciously sought immigration. We have enjoyed its beneficial consequences, though we have never recognized them at the time. At best we have tolerated new immigrants, at worst we have been as bloody-minded as maybe. Today we certainly have our very own counterparts of the "Know-Nothing" party of America in the 1850's.

The Score

It is, therefore, a matter for some surprise that the British Parliament, at this remarkably early stage of the game, has already enacted two Race Relations Acts. True enough, the consequences of inaction in this most vicious of all areas of intolerance were clearly to be seen elsewhere in the world. But other people's tragedies do not commonly persuade administrations and legislatures (not in positive

(continued on page 18)

Supreme Court Decision On Human Rights Code

Readers of *Human Relations* will recall the article "The Code Before the Courts" in the May, 1970 issue, which printed the decision of the Ontario Court of Appeal in the Bell-McKay case. The respondent appealed the decision to the Supreme Court of Canada, which heard the appeal in November, 1970 and pronounced judgment on February 1, 1971. The Court ruled for Mr. Kenneth S. Bell and against the Commission and Carl McKay; two Justices dissented from the majority decision. Here are the texts of the majority decision and the dissenting opinion written by Mr. Justice Abbott and concurred in by Mr. Justice Hall.

The Majority Decision

SUPREME COURT OF CANADA

KENNETH S. BELL

— v —

THE ONTARIO HUMAN RIGHTS COMMISSION and CARL McKAY
(Complainant)

FORAM: The Chief Justice and Abbott, Martland, Judson, Ritchie, Hall and Spence JJ.

MARTLAND J.:

This is an appeal from a judgment of the Court of Appeal for Ontario, which allowed the appeal of the present respondent, the Ontario Human Rights Commission, from an order, obtained on the application of the present appellant, prohibiting further proceeding by a board of inquiry appointed under the *Ontario Human Rights Code, 1961-62*, Chapter 93, Statutes of Ontario, 1961-62, as amended, to investigate a matter of complaint by the complainant, Carl McKay.

This Act, as amended, is a consolidation of three earlier statutes, *The Racial Discrimination Act, 1944*, Statutes of Ontario, 1944, c. 51; *The Fair Employment Practices Act, 1951*, Statutes of Ontario, 1951, c. 24; and *The Fair Accommodation Practices Act, 1954*, Statutes of Ontario, 1954, c. 28. Its main purpose is to prevent discrimination, with respect to certain specified matters, on the grounds of race, creed, colour, nationality, ancestry, or place of origin. Section 1 prohibits the publication or display of any notice, sign, symbol, emblem or other representation indicating discrimination on any of those grounds. It contains a proviso in subs. (2) that:

Nothing in this section shall be deemed to interfere with the free expression of opinion upon any subject.¹

Section 2 prohibits the denial of accommodation, services or facilities available in any place to which the public is customarily admitted, because of any of those grounds, or discrimination, on any of those grounds, in respect of the accom-

modation, services or facilities available in such a place.

Section 4 prohibits discrimination, on any of those grounds, in respect of employment or terms of employment. It prohibits such discrimination in respect of membership in a trade union. It prohibits such discrimination in connection with employment applications or advertisements in connection with employment applications or advertisements in connection with employment. Subsection (4) contains a proviso making s. 4 inapplicable to a domestic employed in a private home, and to exclusively religious, philanthropic, educational, fraternal or social organizations not operated for private profit, or to any organization operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit.²

Section 5 prohibits discrimination based on sex in respect of rates of pay for the same work, done in the same establishment.³

Section 3, which carries the marginal note "Discrimination prohibited in apartment buildings", is the provision which is involved in the present case and provides as follows:

(3) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

¹ These references are based on the 1967 text of the Code.

² The amended section has the additional phrase:—"Wherein any such case race, colour, creed, nationality, ancestry or place of origin is a reasonable occupational qualification."

³ This section was deleted in 1968 by an amendment.

(a) deny to any person or class of persons occupancy of any commercial unit or any self-contained dwelling unit; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any self-contained dwelling unit, because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

This summary of the provisions contained in Part I of the Act shows that its purpose is to seek to prevent certain kinds of discrimination in respect of specific fields. It applies only to the fields thus defined.

Part II of the Act provides for the continuance of the Ontario Human Rights Commission, hereinafter called "the Commission", which is responsible to the Minister (the Minister of Labour or such other member of the Executive Council to whom the Act is assigned by the Lieutenant Governor in Council) for the administration of the Act.

Part III of the Act deals with the investigation of complaints of discrimination contrary to the Code, and with the appointment and functions of boards of inquiry. Section 12 and the relevant portions of s. 13 provide as follows:

12. (1) The Commission itself or through any person designated so to do may inquire into the complaint of any person that he has been discriminated against contrary to this Act and it shall endeavour to effect a settlement of the matter complained of.
- (2) Every such complaint shall be in writing on the form prescribed by the Commission and shall be mailed or delivered to the Commission at its office.
13. (1) If the Commission is unable to effect a settlement of the matter complained of, the Minister may on the recommendation of the Commission appoint a board of inquiry composed of one or more persons to investigate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.
- (2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*.
- (3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint.
- (4) If the board is composed of more than one person, the recommendations of the majority are the recommendations of the board.
- (5) After the board has made its recommendations, the Commission may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Commission until they have been so clarified or amplified.
- (6) The Minister, on the recommendation of the Commission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms.

Part IV, s. 14, makes it an offence to contravene any provision of the Act, or any order made under the Act. Section 15 requires the written consent of the Minister for prosecution for an offence under the Act.

The complainant, Carl McKay, filed with the Commission a complaint against the appellant dated at Toronto on December 12, 1968. It alleged that the appellant "allegedly committed an unlawful act relating to housing" on or about December 11, 1968, because of race, colour and place of origin, and set out the following particulars:

On December 10, 1968, I saw an ad in the Toronto Daily Star for a 3 room flat for rent with private bath and kitchen at 30 Indian Road. I phoned the number given and was told the flat was still vacant. The next day when I went to the address in person I was told the flat was taken by a man I later learned was Mr. Bell, the landlord. However, when my girlfriend, Miss Nancy Sharp applied the same day after me, she was told it was still vacant. I am a Black man from Jamaica and feel that my failure to obtain accommodation was determined by factors of race, colour and place of origin.

The appellant was not furnished with a copy of this complaint until one was enclosed with a letter to him, dated March 7, 1969, by Brett W. Mann, a member of the Commission staff. In the meantime, there had been correspondence between the Commission staff and the appellant and his solicitor, William C. Cuttell.

On January 2, 1969, Mr. Mann said, in a letter to the appellant:

Further to our meeting of December 13, 1968 in which we discussed the concern brought to the Commission of a Mr. Carl McKay that he had been discriminated against by you with regard to housing, this will serve to advise you of developments.

The Commission has conducted a thorough investigation into Mr. McKay's complaint and has found sufficient evidence supporting Mr. McKay's allegations of discrimination to warrant further involvement of the Commission in this matter. The Commission views this matter most seriously and I would seek to meet with you at your earliest convenience to discuss possible terms of settlement and conciliation.

Mr. Cuttell replied on January 6:

Mr. K. S. Bell has brought in to me your letter of the 2nd of January, in which you invite him to attend at your office to discuss the matter. I will be pleased to accept your invitation on his behalf, but prior to any discussion I would like clarification of the proposed meeting. You suggest a discussion of "possible terms of settlement and conciliation". Will you please, prior to any meeting between us, give me some idea of what you mean by "terms of settlement and conciliation".

From my present knowledge of the circumstances I can not see that Mr. Bell has any liability in the matter which could be the subject of any settlement and I would very much appreciate having you enlarge upon this suggestion.

On January 14, Mr. Mann wrote to Mr. Cuttell, in part, as follows:

An investigation has been conducted by the Commission into this matter and has produced sufficient evidence to justify Mr. McKay's complaint.

The Commission routinely attempts to resolve all such complaints in an amicable manner, and more formal steps, also provided for under Ontario law, are approached only as a last resort. To this end, I would invite both yourself and Mr. Bell to meet with me at a prearranged time in the Commission offices to discuss the kind of assurances that the Commission would ask to resolve such matters. Typical terms of settlement would include a written expression of apology to the complainant from Mr. Bell as well as an offer of the next available accommodation, and remunerations to the complainant for monies expended as a result of his failure to obtain accommodation at 30 Indian Road.

Your co-operation will be greatly appreciated, and I invite you to contact me at your earliest convenience at

365-6841 to arrange a meeting for the resolution of this matter.

This was followed, on February 12, by a letter from Mr. Herbert A. Sohn, the Assistant Director of the Commission, suggesting a discussion of the matter, and advising that, failing a satisfactory response by February 21, the matter would be submitted to the Commission at its next regular meeting, on February 24.

On February 21, Mr. Cuttall wrote to the Commission stating that, after thorough discussion and investigation of the premises, he had advised the appellant that he had not contravened the Code, nor had he made himself liable for the payment of money to any person.

He suggested that the Commission, having said that it had insufficient evidence to warrant the complaint, if it wished to carry the matter further, should proceed with a prosecution against the appellant.

On February 28, Mr. Mann wrote to the appellant to say that the Commission had agreed to seek appointment of a board of inquiry to conduct a public hearing into the matter. A copy of this letter was sent to Mr. Cuttall.

Mr. Cuttall then wrote to the Minister of Labour, on March 1, with a copy to the Commission, reviewing his correspondence with the Commission. He requested that the Minister agree to appoint a board of inquiry, since the Commission had already investigated the matter, and a further inquiry was unnecessary. He suggested that, instead, the Minister authorize a prosecution. In the course of this letter he said:

The Commission has indicated, not only that it has insufficient evidence to support a charge under Section 3 of the Statute, but has gone so far as to suggest that it is possible to "settle" the matter by obtaining from Mr. Bell a written apology, an assurance that the accommodation will be made available in future and the payment of money. I can find nothing in the statute that creates any such liability upon any person for the breach of any of its provisions. If evidence has been obtained by the Commission indicating any breach of this Statute, it is surely improper to suggest that the breach can be cured by the payment of money to any person, or by the other methods proposed as settlement.

On March 7, Mr. Mann wrote to the appellant, enclosing a copy of the complaint, and advising that Dean Walter Tar-polsky had been appointed by the Minister as a Board of Inquiry, and advising as to the date, time and place of the hearing.

In answer to this letter, Mr. Cuttall wrote to the Commission, on March 14, stating, in part, as follows:

In your letter of January 14th you indicate that the proceedings are taken by virtue of Section 3 of the Ontario Human Rights Code. There is nothing in the complaint of Mr. McKay which makes Section 3 applicable. Furthermore, since you have conducted a "thorough investigation", the Commission must know that Section 3 is in fact, not applicable.

In any event, it is perfectly apparent that if the Commission has made a thorough investigation and has "found sufficient evidence supporting Mr. McKay's allegation . . ." that obviously is an end of the matter. As I have pointed out, this remedy is under Sections 14, 15 and 16 of the Statute and any further investigation of the matter is nothing more nor less than persecution directed to achieving a settlement at the expense of my client, or persecution which violates fundamental principles of justice. In either event the Board has forfeited any purported jurisdiction.

At the commencement of the hearing before the board of inquiry, Mr. Cuttall asked the board to find that it lacked

jurisdiction, on the basis that s. 3 of the Code did not apply to the premises in question because they were not a "self-contained dwelling unit." Other points were also raised. The board refused to make this finding because at that stage there was no way of knowing whether the accommodation came within s. 3 or not.

An application was then made by the appellant on May 9 for an order of prohibition. In support of this motion the appellant filed his own affidavit, to which there were annexed photographs of the appellant's premises. The relevant portions of that affidavit are as follows:

(1) I am the owner of No. 30 Indian Road, Toronto and have lived at that address since 1957. From 1957 to 1965 I rented the lower floor of the house and lived there with my wife, during which time the owner and his wife and child occupied the upper floors.

(2) I bought the house in 1965 and continued to live on the lower floor as before and rented the upper floors.

(3) The upper floors consist of a flat which has its own kitchen and bathroom, a bedroom and sitting room all on the second floor and a bedroom on the third floor; the flat has no separate entrance.

(4) The tenants can only get to the upper floors by entering the house through the front door and hallway and thus reaching the stairs. The hallway and stairway are not closed or separated from my living quarters.

(5) Annexed to this affidavit are photographs of the said hallway and stairs. Photograph numbered 1 is a view of the lower floor and shows my kitchen at the end of the hallway. Photograph numbered 2 is a view of the lower floor and shows the entrance to my living room. Photograph numbered 3 is a view of the second floor and shows the hallway of the tenant's quarters and a stairway leading to the third floor room.

(6) There are no locks on the doors of the tenant's quarters and I have only an ordinary skeleton key operated lock set on the glass doors leading to my living room and a bolt on the kitchen door. I have never used the locks on my doors since 1965.

(7) I am employed by Christie Bread Division of Nabisco as a shipper and I have been in that job for 18 years. I work regularly on three shifts which require me to be away from home sometimes on the 4 to 12 shift or the 12 to 8 shift, during which times my wife is alone in the house. For this reason I have to be careful about the kind of tenant I take in for the upper floors.

(8) I have had four different tenants since 1965. Three of these have been married couples and the present tenant is a man of about 45 years of age. He is of Egyptian origin and is Semitic. I prefer to take as tenants only married couples or mature people.

(9) On or about the 10th of December, 1968, when the flat was advertised for rent, two young negro men came to the house to inquire about it. I judged them to be about 20 to 22 years of age and thought they may have been students. I considered them to be too young and accordingly, I turned them down. I told them the flat had been previously rented because this is the simplest method and avoids discussion and argument.

(10) I did not refuse to rent to the negroes because they were negroes but because they were too young and appeared to be students and I do not want young men or students as tenants, particularly because the flat is not separated from my own living quarters and is not self contained.

The material filed shows that access is available to each of the rooms occupied by the appellant from the downstairs hallway; that access to the second floor of the house is by way of

a staircase leading from that hallway; and that access is gained to the upstairs rooms from a hallway there. In other words, the appellant owns a common type of house, in which some of the bedrooms on the second floor have been made into a kitchen and a sitting room.

The learned trial judge found that the accommodation available for rent was not a self-contained dwelling unit. This finding was not considered by the Court of Appeal, because it relied upon other grounds for allowing the appeal from the trial judgment.

Dealing with this issue, the learned trial judge said:

Definitions of the word "self-contained" to be found in the Oxford Dictionary, Funk and Wagnall's Dictionary, Webster's Dictionary (third edition) all indicate that the second and third storey of Mr. Bell's house do not fall within the word "self-contained". Even aside from any definition contained in any dictionary it seems clear that it is not so. A number of Scottish cases have been quoted me to the same effect including *The Trustees of the late William Cotton, Appellants, Richard Farmer, Surveyor of Taxes (Edinburgh) Respondents*, (1912-13) Scottish Session Cases page 1131; *Speevack and Robson*, (1949) S.L.T. notes of recent decisions on page 39; *The Assets Company, Limited and Ogilvie*, 34 S.L.R. 195 at 200. There is an English case which may appear to be contrary to the decisions contained in the Scottish cases, namely, *Darrall v. Whitaker and another*, 92 L.J.K.B. 882, but here it was held that the identity of the whole house had been altered.

Darrall v. Whitaker, and another English decision, by a single judge, *Smith v. Prime*, (1923) 129 L.T. 441, were both cases in which the courts were considering the application of rent restriction legislation under the *Increase of Rent and Mortgage Interest Act, 1920*. In each case, the successful contention of the landlord was that he was not subject to the restrictions imposed by that Act because of his having made substantial alterations to the premises. In the *Darrall* case it was held that "the landlord cannot be said to increase the rent of a house which has been so substantially altered that it is no longer the same subject matter as it was in 1914." It was only incidentally that consideration was given to s. 12(9) of the Act which said that:

This Act shall not apply to a dwelling house erected after, or in course of erection on the 2nd day of April, 1919, or to any dwelling house which has been since that date or was at that date being bona fide reconstructed by way of conversion into two or more separate and self contained flats or tenements . . .

I am not prepared to accept the views expressed in those cases as to what constituted separate and self contained flats, for the purpose of that subsection, as governing the meaning of "self-contained dwelling unit" in s. 3 of the Act.

When s. 3 of the Act was first enacted, Statutes of Ontario, 1961-62, c. 93, it prohibited the denial of occupancy because of race, creed colour, etc. "of any apartment in any building that contains more than six self-contained dwelling units."

In 1965, by c. 85, the number "six" was reduced to "three." It was in 1967, by c. 66, that the present s. 3 was enacted.

It seems clear that the words "self-contained dwelling units", as used in the two earlier statutes, referred to dwelling units in the form of apartments in an apartment building. The present s. 3 applies to any "self-contained dwelling unit", but, in the light of the past history of the legislation, it would appear to me that it includes now either a self-contained house, or self-contained premises similar to an apartment in an apartment house.

In my opinion, the premises leased by the appellant located in his upstairs floors, may well be "dwelling units", but they were not "self-contained" dwelling units.

This brings me to the main issue in this appeal, which I would state as follows: If a complaint of alleged discrimination is made, which relates to a field which is not within the provisions of the Act, has the Supreme Court of Ontario the power, by an order of prohibition, to prevent proceedings for the investigation of the complaint under s. 13 of the Act?

As has already been pointed out, the purpose of the Act is to seek to obtain equality of treatment without regard to race, creed, colour, nationality, ancestry, or place of origin, and, to assist in achieving that objective, machinery has been created for the investigation of complaints of discrimination on those grounds. But the Act is specifically limited by its terms to dealing with such discrimination when it occurs in relation to defined fields of operation. It states, in terms, that it does not interfere with free expression of opinion on any subject. It does not prevent a householder from refusing to employ a domestic servant because of his antipathy to the race, colour or creed of a person seeking such employment. Similarly, it does not prevent the owner of a house containing dwelling units which are not self-contained from refusing to lease such accommodation to anyone.

When s. 12(1) states that the Commission "shall endeavour to effect a settlement of a matter complained of" it does not enable the Commission to seek to settle complaints as to discrimination in matters not within the Act because "matter complained of" refers to a complaint of discrimination "contrary to this Act."

The Minister's authority to appoint a board of inquiry on the recommendation of the Commission arises, and arises only, "if the Commission is unable to effect a settlement of the matter complained of", i.e., a complaint of discrimination "contrary to this Act."

The task of a board of inquiry appointed by the Minister is to investigate "the matter", i.e., to determine whether, in a matter within the purview of the Act, there has been discrimination.

In the present case the Commission was of the stated opinion that the complaint was one of discrimination contrary to the Act, and for that reason it recommended the appointment by the Minister of a board of inquiry. The respondent was convinced that the complaint did not relate to a matter within the purview of the Act. Is he precluded from having that vital issue determined in a court of law without waiting until the inquiry is conducted and until the board has determined that issue?

The risk of delay to the appellant is obvious. Under s. 13(3), if the board finds that the complaint is supported by the evidence, it must recommend to the Commission the course which ought to be taken with respect to the complaint. Under subs (6) the Minister, on the recommendation of the Commission may issue "whatever order he deems necessary to carry the recommendations of the board into effect."

Such an order is "final and shall be complied with in accordance with its terms."

There is no provision for any appeal from the board, or from a ministerial order under subs. (6).

In the judgment of the Court of Appeal, it was said that

This is not to say that the board's decision, if implemented by the Minister as prescribed by the Code, or ultimately, by a summary conviction Court, would be immune from judicial review. Counsel for the Attorney General appearing on behalf of the Commission conceded as much.

When this point was raised in this Court, counsel for the respondent did not concede that the proceedings before the board of inquiry could be subject to certiorari, and limited himself to suggesting the possibility of an action for a declarator judgment. Whether such a right would exist is questionable.

If a ministerial order is made, and a prosecution were inst

ed for contravening it, the issue before the court would be y as to whether the order had been contravened and not ether the accused had been in breach of the Act in the first ce.

The decision of the Court of Appeal to allow the appeal was ed primarily on the proposition that the proceedings for hhibition were premature. The relevant portion of the judg- nt is as follows:

The learned Judge proceeded to find that the flat in Bell's premises did not come within section 3, and also held that unless a self-contained dwelling unit was involved a board of inquiry had no jurisdiction. Since Stewart J. was dealing with a motion for prohibition at a stage where the board of inquiry had merely convened and had not proceeded into the merits, his holding on jurisdiction can only be taken to mean that the board of inquiry could not, even as an initial, albeit subsequently reviewable, matter, embark on its task without having its right to do so cleared in advance, once objection was taken that the premises in question were outside the purview of the Code.

With great respect for the learned Judge, this is error on his part in principle, having regard to the terms of the Code. It is true that he assessed the character of the board of inquiry as revealed by the Code, and concluded that it exercised judicial powers, that it was the first step of a judicial process exposing Bell to a sanction, and hence it was amenable to prohibition. However, the subjection of a tribunal to prohibition cannot be generalized merely because the tribunal is a judicial or quasi-judicial one. There is the additional, highly relevant question of the defect of jurisdiction on which the claim to prohibition is founded.

In the present case, if no objection can be taken to the establishment or constitution of the board of inquiry it is premature to seek to stall its proceedings at their inception on the ground of an apprehended error of law, i.e. misconstruction of a provision of the Code, which it is assumed the board will make. It appears quite plainly that what the board of inquiry would have been obliged to decide if it had been allowed to proceed was (1) whether there was a denial of housing accommodation; (2) whether that accommodation was covered by the Code; and (3) whether the denial in such case was by reason of the race or colour or place of origin of the complainant. It went on to say:

The decision on whether Bell's flat is a self-contained dwelling unit depends on factual as well as constructional considerations; and it is difficult to appreciate how the learned Judge could have proceeded to a determination when there was no record taken below bearing on the issue.

With respect, I do not agree that the board could not embark on its task without having its right to do so cleared in advance once objection was taken that the premises in question were outside the purview of the Code. That objection alone could not be sufficient. The appellant might have raised the ue, but have elected to have the inquiry proceed and to await decision. That point was dealt with in the judgment of Lord oddard C.J. in *R. v. Tottenham and District Rent Tribunal*, 957) 1 Q.B. 103. In that case, the tenants of a flat applied the rent tribunal to consider the rent of the flat. The tenants re assignees of a lease made by the owner to their assignor. ction 2(1) of the *Furnished Houses (Rent Control) Act*, 46, provided:

Where a contract has, whether before or after the passing of this Act, been entered into whereby one person (hereinafter referred to as the "lessor") grants to another person (hereinafter referred to as the "lessee") the right to occupy as a residence a house or part of a house situ-

ated in a district in which this Act is in force in considera- tion of a rent which includes payment for the use of furniture or for services . . . it shall be lawful for either party to the contract or for the local authority to refer the contract to the tribunal for the district. . . .

The owner applied for an order of prohibition to prohibit the tribunal from entertaining the application on the ground that the tenants were not "party to the contract" within that provision.

The order was granted. At the end of his reasons, Lord Goddard said, at p. 107:

There is only one other word I need add. Mr. Winn, who appears for the tribunal, has taken no part in the argument except to express a view, as *amicus curiae*, that it would be difficult to say that the grounds on which Mr. Ackner moved were wrong. But Mr. Winn asked us to express some opinion whether it was right for the applicants to apply to this court for prohibition or whether they ought not to have gone to the tribunal and taken the point there. Of course, they could have taken the point before the tribunal, and if the tribunal had decided in their favour, well and good. If the tribunal had decided contrary to their contention, then they would have had to come here and, instead of asking for prohibition, asked for *certiorari*; but I think it would be impossible and not at all desirable to lay down any definite rule as to when a person is to go to the tribunal or come here for prohibition where the objection is that the tribunal has no jurisdiction. Where one gets a perfectly simple, short and neat question of law as we have in the present case, it seems to me that it is quite convenient, and certainly within the power of the applicants, to come here for prohibition. That does not mean that if the tribunal, during the time leave has been given to move for prohibition and the hearing of the motion, like to continue the hearing they cannot do so; of course, if prohibition goes it will stop them from giving any decision, and if prohibition does not go they can give their decision. For myself, I would say that where there is a clear question of law not depending upon particular facts — because there is no fact in dispute in this case — there is no reason why the applicants should not come direct to this court for prohibition rather than wait to see if the decision goes against them, in which case they would have to move for *certiorari*. For these reasons, I think that prohibition must go.

It is also clear in that case that the facts giving rise to the issue of law were placed before the Court for its consideration of the motion and that they could not have been found in a record taken by the tribunal below because it had not embarked on a consideration of the matter.

In *R. v. Galvin*, (1949) 77 C.L.R. 432, the High Court of Australia considered an application for prohibition. It arose as a result of an application by a trade union to a conciliation commissioner appointed under the provisions of the *Commonwealth Conciliation and Arbitration Act* for the variation of an award fixing weekly working hours at 40, by making provision for a 15-minute tea break. Section 13 of that Act provided that a conciliation commissioner was not empowered to make an order altering the standard hours of work in an industry. Section 16 provided that a conciliation commissioner might at any stage of a matter before him refer any question of law or any question as to whether he had jurisdiction in the matter before him for the opinion of the Commonwealth Court of Conciliation and Arbitration.

At p. 444, the judgment of the High Court, referring to s. 16, says this:

It is argued that these provisions enable a conciliation commissioner to proceed, where his jurisdiction is chal-

lenged, subject to a reference to the Arbitration Court of the question whether he has jurisdiction or not. That court will then make a binding determination of the question and upon this his jurisdiction will depend. If the decision is that he has no jurisdiction his provisional award must be altered by him to accord with the decision. If the decision is that he has jurisdiction, then under sub-s. (5) (a) he obtains jurisdiction by virtue of the decision. What ground, it was asked, is there for supposing that the conciliation commissioner will exercise the power the summons seeks to invoke without first proceeding to obtain the decision of the Arbitration Court upon the question whether he possesses jurisdiction? If he does refer the question to the Arbitration Court then his jurisdiction will depend on the decision of that court. The answer to this argument is to be found in a number of considerations. The commissioner is not bound to refer the question to the Arbitration Court. There already exists a pronouncement of that court in favour of his jurisdiction upon which he might well be expected to act without making a reference. What the summons asks him to do is to make an order which the prosecutors allege is outside his power. A person against whom a non-existent jurisdiction is invoked is not bound to wait until the tribunal decides for itself whether it has jurisdiction or obtains a decision of the question by a reference or case stated or the like. He may move at once for a prohibition.

In that case, no objection could be taken to the establishment or constitution of the tribunal concerned. The application for variation of the order was being made to a conciliation commissioner duly appointed pursuant to statutory provisions. The Act, under whose provisions he was appointed, made specific provision to enable him to refer a jurisdictional issue to the Commonwealth Court of Conciliation and Arbitration. Nonetheless, the Court felt free to decide the issue of law raised as to the powers of the tribunal, without awaiting its decision on that point, or the decision of the Court of Conciliation and Arbitration to which it might have been referred.

In that case it appears that material was placed before the Court to which the motion for prohibition was made, in the form of an affidavit.

Dealing with the writ of certiorari, Denning L.J., in *R. v. Northumberland Compensation Appeal Tribunal*, (1952) 1 A.E.R. 122, at 131, said:

When certiorari is granted on the ground of want of jurisdiction, or bias, or fraud, affidavit evidence is not only admissible, but it is, as a rule, necessary.

In my view, it is also admissible for the purpose of raising an issue of law, on a motion for prohibition, in respect of the jurisdiction of a tribunal.

The present case raises a question of law as to the meaning of the phrase "self-contained dwelling unit." The facts involved in relation to whether or not the appellant's premises available for rent were within that phrase relate only to the structure of a building and do not involve choosing between the conflicting testimony of witnesses. In a case involving a conflict of evidence a court to which an application for prohibition was made might well decline to interfere. The position of the Court of Appeal in the present case, however, appears to be not that the learned trial judge should not have exercised his discretion to grant prohibition, but, rather, that he had no discretion to exercise.

With respect, I do not agree with this view. The powers given to a board of inquiry are to enable it to determine whether or not there has been discrimination in respect of matters within the scope of the Act. It has no power to deal with alleged discrimination in matters not within the purview of the Act or to make recommendations with respect thereto.

The Court of Appeal judgment says that the board, had it been allowed to proceed, would have been obliged to decide (1) whether there was a denial of housing accommodation, (2) whether that accommodation was covered by the Code, and (3) whether the denial was by reason of the race, colour, or place of origin of the complainant. In my opinion, item (2) would have had to be considered first, and, if the accommodation was not covered by the Act, the board would have no authority to proceed further.

Item (2) raises an issue of law respecting the scope of the operation of the Act, and on the answer to that question depends the authority of the board to inquire into the complaint of discrimination at all. The Act does not purport to place that issue within the exclusive jurisdiction of the board, and a wrong decision on it would not enable the board to proceed further.

In my opinion the appellant was not compelled to await the decision of the board on that issue before seeking to have it determined in a court of law by an application for prohibition, and the court had jurisdiction to deal with the matter.

I would allow the appeal and restore the order made by the learned trial judge. The appellant should be entitled to his costs throughout.

The Dissenting Opinion

SUPREME COURT OF CANADA

KENNETH S. BELL

—v—

THE ONTARIO HUMAN RIGHTS COMMISSION and CARL McKAY
(Complainant)

CORAM: The Chief Justice and Abbott, Martland, Judson, Ritchie, Hall and Spence JJ.

ABBOTT J.:

This is an appeal by leave, from an Order of the Court of Appeal for Ontario, dated November 20, 1969 allowing the appeal of the respondent Ontario Human Rights Commission from an Order of Prohibition made by Stewart J., dated May 9, 1969 whereby Walter S. Tarnopolsky, sitting as a Board of Inquiry appointed pursuant to the provisions of *The*

Ontario Human Rights Code, 1961-62, as amended, was prohibited from inquiring into the complaint of one Carl McKay that he was discriminated against contrary to the provision of the said *Code* with respect to the rental of certain living accommodation.

The accommodation in question is part of a three store

elling, No. 30 Indian Road, Toronto, which has been owned the appellant since July 1965. The appellant and his wife e on the lower floor and rent the upper floors. The upper or accommodation consists of a kitchen and bathroom, a droom and sitting room on the second floor, and a bed- om on the third floor. Access to the second floor is through common entrance leading to a staircase to the upper commodation.

On December 10, 1968, the complainant, a Jamaican, and other, in response to an advertisement placed in the daily ess, sought to rent the accommodation above described and ere told by the appellant it was already rented. In fact the id accommodation was not rented at that time.

On December 12, 1968, McKay filed a complaint with the ntario Human Rights Commission alleging that the appellant, enneth S. Bell, refused him rental of a flat at No. 30 Indian ad, Toronto, because of his race, colour and place of origin.

On January 2, 1969, the Commission wrote the appellant th a view to arranging a meeting to endeavour by concili- on to effect a settlement of the matter complained of. The pellant, through his solicitor, requested advice as to possible rms of settlement and conciliation and was advised by the ommission that typical terms of settlement would include a ritten expression of apology to the complainant from the pellant as well as an offer of the next available accommod- ation and remuneration to the complainant for moneys ex- tended as a result of his failure to obtain accommodation at e said premises.

On February 12, 1969, the Commission further attempted arrange an opportunity to discuss the possibilities of settle- ment with the appellant who, through his solicitor, suggested at if the Commission wished to carry the matter further, ey proceed by way of prosecution under *The Ontario Human ights Code 1961-62*.

On February 24, 1969, pursuant to s. 13 of the said *Code*, e Commission recommended to the Minister of Labour the ppointment of a Board of Inquiry to investigate the com- plaint of McKay. On March 3, 1969, the appellant, through s solicitor, requested that the Minister of Labour ignore the commendation for appointment of a Board of Inquiry and stead give his consent to the prosecution of the appellant, rsuant to s. 15 of the *Code*.

By letter dated March 13, 1969, the Minister of Labour fused to accept the suggestion of the solicitor of the appellant prosecute, and advised the solicitor of his appointment of Board, pursuant to the provisions of the *Code*, to inquire to the complaint. The appellant was notified of the said ppointment in accordance with s. 13 of the *Code*.

On April 21, 1969, a hearing of the Board of Inquiry was nvened by the said Walter S. Tarnopolsky at the Parliamt buildings at Queen's Park, Toronto, at which time the appellant, rough his solicitor, objected to the jurisdiction of the Board d moved that the Board either disband or request the Minister Labour to direct the prosecution of the respondent.

The Board of Inquiry rejected the motion of the appellant, ling that the matters in issue were properly within its risdiction.

After this ruling and before any evidence was called in the atter, a notice of motion for an application for prohibition as served and the matter was adjourned *sine die* pending the sposition of the said motion.

On May 9, 1969, the motion was heard before Stewart J. d an Order was made prohibiting Walter S. Tarnopolsky from rther proceeding as a Board of Inquiry pursuant to s. 13 of e *Ontario Human Rights Code, 1961-62*.

Stewart J. was of the opinion that the Board of Inquiry as a judicial body and subject, as such, to an order of pro- hibition; that the premises of the appellant were not "self-

contained" within the meaning of s. 3(a) of the *Code* and that the Board was therefore without any jurisdiction to enter- tain submissions; that the views of the Commission officers on the meaning of s. 3(a) and on the question of the appellant's violation thereof could be imputed to the Board and, conse- quently, that the Board was constituted for an improper pur- pose and that no prior erroneous determination by the Board was a necessary precondition for the issuance of the order sought.

A motion by way of appeal from the Order of Stewart J. was brought before the Court of Appeal for Ontario by counsel on behalf of the Ontario Human Rights Commission, for an Order setting aside the order of prohibition.

On November 20, 1969, the Court of Appeal allowed the application by way of appeal and set aside the order of pro- hibition. The judgment of the Court was delivered by Laskin J. A. (Gale C.J.O., Schroeder, Kelly and Evans J.J.A., con- curring), and it held that since it was within the discretion of the Minister to appoint a Board of Inquiry rather than to proceed by way of prosecution, since the Board was properly constituted under s. 13(1) of the *Code*, since no determination of any kind had been made by the Board, which was a distinct and independent body to whom neither the views nor the conduct of the Commission officers could be attributed, and since the character of the premises herein was a question of mixed law and fact upon which no evidence had been submitted to the Board, the application for prohibition was premature.

On January 27, 1970, leave was granted to appellant to appeal to this Court from the Order of the Court of Appeal for Ontario.

The relevant portions of s. 13 of *The Ontario Human Rights Code*, under which the Board was appointed are:

13. (1) If the Commission is unable to effect a settle- ment of the matter complained of, the Minister may on the recommendation of the Commission appoint a board of inquiry composed of one or more persons to investi- gate the matter and shall forthwith communicate the names of the members of the board to the parties to the complaint, and thereupon it shall be presumed conclu- sively that the board was appointed in accordance with this Act.

(2) The board has all the powers of a conciliation board under section 28 of *The Labour Relations Act*.

(3) The board shall give the parties full opportunity to present evidence and to make submissions and, if it finds that the complaint is supported by the evidence, it shall recommend to the Commission the course that ought to be taken with respect to the complaint.

(6) The Minister, on the recommendation of the Com- mission, may issue whatever order he deems necessary to carry the recommendations of the board into effect, and such order is final and shall be complied with in accordance with its terms.

It is trite to say, of course, that courts should refrain from invading territory properly reserved for the legislature. That principle has often been given judicial expression, seldom better perhaps, than by McRuer C.J.H.C. in *Jackson v. Ontario Labour Relations Board* (1955) 3 D.L.R. 297 at 300:

It is not for the Courts to legislate. Under our form of Government the power of legislation is conferred on the duly-elected members of the Legislature or of Parlia- ment within their respective jurisdictions, and it is for those duly-elected members to decide what jurisdiction will be conferred on an administrative tribunal when an administrative tribunal is set up. It is no business of the Courts to consider whether it was wise or unwise to confer the jurisdiction that has been conferred by the

legislative authority. The responsibility for that rests with the electors and not with the Judges. It is, however, the duty of a superior Court to be vigilant at all times to see that the jurisdiction conferred by the Legislature or by Parliament on an administrative tribunal is adhered to by the tribunal, and that it does not enter upon an inquiry that is not within its jurisdiction, or, if it enters upon an inquiry within its jurisdiction, that it does not exceed its jurisdiction, and that it does not deprive itself of jurisdiction to make a decision by doing an act that it is not authorized to do or by refusing to exercise the jurisdiction that has been conferred upon it by the legislative authority.

The language of s. 13 of *The Human Rights Code* is not ambiguous and it has not been suggested that the statute was beyond the legislative competence of the provincial legislature.

The powers of a board of inquiry appointed under s. 13 are to investigate and make such recommendations as it may see fit. It is not invested with authority to adjudicate upon anything. I can see no difference in principle between such an inquiry and those which were considered by this Court in *Guay v. Lafleur*, 1965 S.C.R. 12 and *Baldwin v. Pouliot*, 1969 S.C.R. 577.

Whatever view one may take of the desirability or efficacy of such an inquiry or of the inconvenience it may cause persons concerned, these are questions which the courts are not called upon to determine. The language of s. 13 is plain and, in my opinion, effect must be given to it.

In agreement with the judgment in the Court below, I would dismiss the appeal with costs.

SUPREME COURT OF CANADA

KENNETH S. BELL

— v —

THE ONTARIO HUMAN RIGHTS COMMISSION and CARL McKAY
(Complainant)

CORAM: The Chief Justice, Abbott, Martland, Judson, Ritchie Hall and Spence JJ.

HALL J.:

I am in agreement with the reasons given by Laskin J.A. (as he then was) who delivered the judgment of the Court

of Appeal. Accordingly, I would dismiss the appeal as proposed by my brother Abbott.

Race Relations Board, British Home Office

(continued from page 10)

directions anyway), and Britain is no exception.

The origins of, and reasons for, the British legislation can be discussed and argued about. For present purposes what matters is that it came quickly enough for there to be reasonable hope that it will achieve its purpose. We dare not be too

sanguine about it. There have been some successes, including some substantial ones. But I could not say that we can yet look forward to the progressive eradication of racial discrimination in Britain.

In housing, in particular, the law has hardly begun to be felt — not least because immigrants have hardly yet begun

to seek to move into suburban areas. The and their children will do so at a progressively increasing rate in the next decade, and then the law, and society, will face a critical test. In short, things may yet get worse before they get better, but at least, in the legislation, we have one of the essential prerequisites to progress

International Year for Action to Combat Racism and Racial Discrimination, 1971"

No One is "Holier Than Thou"

The year 1971 was designated as a special year to focus attention on problems of racial discrimination throughout the world by the United Nations' General Assembly, which adopted a resolution to this effect on December 11, 1969. It called upon human rights leaders in every nation to co-operate in this observance. At the time, Mr. U Thant, Secretary-General of the United Nations, stated:

The purpose of the observance of the International Year for Action to Combat Racism and Racial Discrimination is to achieve substantial progress in eliminating all forms and manifestations of racism and racial discrimination, including the policies of *apartheid*, and in ensuring equality for all and full enjoyment by all of both civil and political rights and economic, social and cultural rights, as well as the right of peoples to self-determination, without any distinctions such as race, colour, national or ethnic origin, and thereby to promote further respect for and observance of human rights and fundamental freedoms throughout the world.

To those Canadians who may feel that lambs are thus being lumped with the wolves, it should be pointed out that the Secretary-General obviously recognizes that there are places in the world where racism is much worse than in Canada but implies in his statement that no country is free of deficiencies on the score of racial attitudes. Also implicit is the view that no one can play "holier than thou." In other words, we must set our own house in order before we can urge other countries to correct what may be a worse situation in their national home.

The International Association of Official Human Rights Agencies has set up a Joint Action Committee for the United States and Canada to organize the effort to set our own house in order. The Director of the Ontario Human Rights Commission, Dr. Daniel G. Hill, is a member of the executive committee of the OHRA and the only Canadian mem-

ber of the Joint Action Committee. As spokesman for the Canadian human rights jurisdictions on the Committee, Dr. Hill urges all the Canadian governmental human rights bodies to join in this effort, and to do their utmost to promote optimum intergroup relations.

The Ontario Human Rights Commission has mapped out a program for Ontario which is in the process of implementation. Mayors will be asked to proclaim the International Year, to foster the creation of a human rights committee in their city or town if one does not exist, and to urge existing human rights committees to implement at least one special program or event to mark the International Year. The Commission will also enlist the co-operation of newspapers, television and radio.

But more important than the efforts emanating from the Commission are the innumerable efforts which could be made by organized bodies of every kind in every community and by individuals as well.

To help all such organizations the Commission has developed a great number of suggestions for every kind of community organization: churches, schools, ethnic bodies, unions, service organizations, the community relations office of corporations, etc. It need scarcely be pointed out that an organization which carries out a program to advance the International Year will make an impact on its local public which will create greater receptivity for its other programs in the future.

Here are some suggestions for action programs for private organizations to help focus public attention on local problems involving racism or racial discrimination and to achieve a solution of at least one problem this year.

(1) Organize at least one special program or event. This can take the form of a meeting on the theme with a speaker and a panel discussion on local problems.

(2) Isolate one specific local problem and achieve a solution.

(3) Obtain donated local radio or television time to air a recorded or videotaped

message, publicizing the International Year in general and the local program of the organization as well. In either case the organization's name will be heard or appear as sponsor or in connection with the program.

(4) Sponsor essay contests for students, divided by age groups, up to the end of high school, on such themes as:

—"Why Racism Can Occur Anywhere"

—"A Problem of Racial Discrimination in My Community and a Possible Solution"

—"How Racial Discrimination Harms the Doer as Well as the Sufferer"

(5) Unions and employers can review their employment practices to ensure that they are in line with the spirit and letter of the Ontario Human Rights Code and the Age Discrimination Act.

(6) Unions can establish a fair practices committee at the local level.

(7) Ethnic organizations can assist and counsel individuals who have faced discrimination by referring them to the nearest office of the Ontario Human Rights Commission.

The Commission itself proposes to alert newspaper editors, radio and television commentators to the International Year, to suggest to the Canadian Broadcasting Corporation a documentary on the subject, composed of reportage on the local action programs and quotations from the articles or remarks of media commentators, to solicit appearances on interview programs on the subject of the International Year in general and references to local Ontario programs which are being implemented, and to initiate contacts with the ethnic press on the subject.

The Commission also hopes to obtain, from public spirited individuals and companies, donations of time and effort to perform the following: a poster to be created by a commercial artist for wide distribution through local organizations and in the media; mats for newspaper use of the poster, with space for the name of the local sponsoring organization; videotapes of the poster to be prepared by a film production company; a taped spot commercial for television to be coordinated by an advertising agency.

On the basis of all these programs the Commission's aim is to make every citizen of Ontario aware, by the end of this year, that some racial discrimination stains even Ontario society and that it is up to every individual to make an effort, through an organization or on his own, to obliterate that stain on the social fabric of the Province in the best interests of every individual and our community as a whole.

The Effect of a Large Immigration Wave on a Previously Homogeneous Community: A Case Study

By Dr. Merrijoy Kelner

Although non-Anglo-Saxon representation in elite groups has increased since 1948, in no major institutional field has it reached the same level as non-Anglo-Saxon representation in the total community.

Editor's Note: This article represents one approach to a knowledge of patterns of integration of newcomers into what was formerly a substantially homogeneous population. As such *Human Relations* feels that it should be made available to a broader public.*



Removal of discriminatory barriers in the occupational sphere has always been a primary goal of the Ontario Human Rights Commission. Their efforts in this regard have met with considerable success, particularly in the case of the average working man, who tends to be the initiator of most complaints of this type to the Commission. Often, however, more subtle types of discrimination occur at the higher occupational levels; capable men

are passed over at promotion time for reasons which are never made explicit, but are thought to be connected with ethnic and racial bias. A study of the degree to which members of non-Anglo-Saxon groups have been able to move into positions of power and prestige in the Toronto community seems, therefore, to be highly relevant to the work of the Commission.

The city of Toronto provides an excellent setting for this kind of research problem: in 1961 close to 40 per cent of its population was foreign born and indications are that this proportion has increased even further in subsequent years. The swift pace of development, together with the large influx of European immigrants, have transformed the social character of the Toronto community since the conclusion of World War II. The presence of so many people of various ethnic origins in a rapidly expanding urban centre has served to release new forces. The pace of technological development and the thrust of industrial expansion have brought new opportunities for advancement. At its inception this study postulated that these changes have resulted in alterations in recruitment patterns to top positions and a weakening of the Anglo-Saxon monopoly of elite status, as access to positions of power and prestige widens and increases.¹

Data for the study were acquired in a variety of ways. Detailed interviews were conducted with a representative group of 55 Torontonians occupying important positions in Canadian life. Informal discussions were held with a variety

of informants, such as editors of daily newspapers and journalists writing for magazines of local interest. Listings of the boards of directors and top officials of leading companies and institutions were compiled and analyzed. Many other sources were used as well.

Boundaries for the study were drawn with a view to encompassing a broad structure of power and prestige, while still limiting the numbers of people to be considered. The requirement for inclusion was that members of the study population live and work within the confines of Metro Toronto. No limits were placed on the scope of their influence and reputation, which frequently extended to the international scene.

Following the pattern established by John Porter in his large-scale study of power and social class in Canada, *The Vertical Mosaic*, this study identified elite groups residing in the Toronto community for each major institutional sphere. Such an approach assumes that elite groups consist of those who occupy key positions in major institutional hierarchies. It has been suggested that formal position does not necessarily imply that an individual actually exercises the influence conferred upon him by that position. He may, on occasion, be merely a figurehead for the real if invisible, power. Nevertheless, formal position at the top of a major institutional order is, in itself, an important social phenomenon, one which also has the advantage of providing systematic, codifiable, and verifiable facts.

A corporate elite, a labour elite, a political elite, a civil service elite, a communications elite, and an academic elite were delineated. All these groups clearly fit into the category of *strategic* elites, i.e., group of persons who play key functional roles in the society and make the crucial decisions for it. Members of these groups were initially identified in the following way: (1) *The corporate elite* consisted of those residents of Toronto who were listed as directors of the 100 largest Canadian companies.² Added to this group were the Toronto-based directors of the major Canadian holding companies, such as the Argus Corporation, Power Corporation of Canada, and George Weston Limited. (2) *The labour elite* consisted of those residents of Toronto who were senior officials of the largest unions, plus those holding executive positions with organizations like the Ontario Federation of Labour, the Toronto Labour Council, and the Can

Dr. Merrijoy Kelner is assistant professor in the Department of Sociology, and in the Behavioural Science Department of the Faculty of Medicine, at the University of Toronto. She is a life-time Toronto resident. She recently completed a study of the health problems of young people in Toronto, for the Ontario Department of Health, and is currently undertaking a large-scale study of the Canadian youth culture. She obtained the doctorate at the University of Toronto.

* This article is reprinted, with slight adaptations, from the author's "Ethnic Penetration into Toronto's Elite Structure," which appeared in the *Canadian Review of Sociology and Anthropology*, vol. 7, no. 2, 1970, pp. 128-137, and by permission of the author and the publisher. The original article was based on the author's doctoral dissertation.

¹In this study, the designation "Anglo-Saxon" includes Christian members of the English, Scottish, Welsh, and Irish groups.

²The 100 largest Canadian companies (in terms of assets, profits, and sales) were determined by survey reported in *The Financial Post*, August 1966. The directors were identified through *The Directory of Directors* (Toronto: 1966).

Labour Congress. (3) *The political* consisted of all Toronto residents who had, since the inception of the study, served as members of the federal cabinet, provincial cabinet, and the Metropolitan Council, plus all supreme court judges residing in the city. (4) *The civil service* consisted of senior provincial and municipal civil servants living in the Toronto area. (5) *The communications elite* consisted of the Toronto-based owners and directors of the major newspapers, book publishing firms, television networks, and radio stations. (6) *The academic elite* consisted of Toronto residents who had been elected by their peers as fellows of the Royal Society of Canada, an exclusive self-selecting group of academic leaders which includes representatives in all disciplines of higher learning. The total listings for each group were examined, in order to establish the ethnic backgrounds of those included. All those whose names did not appear to be clearly non-Anglo-Saxon in origin were followed up through sources such as *Who's Who in Canada* (1967). In addition, personal interviews were conducted with other leaders in the field in order to obtain additional information regarding the ethnic origins of those included in the study population. This was necessary because names alone can be misleading as a guide to ethnicity, particularly since non-Anglo-Saxon names are often disguised along the road to leadership positions.

The aim of this systematic analysis was to assess the extent to which non-Anglo-Saxons have risen to functionally important positions during the past twenty years. It became evident that although non-Anglo-Saxon representation in elite groups has definitely increased since 1948, in no major institutional field has it reached the same level as non-Anglo-Saxon representation in the total community.

Investigation disclosed that the proportion of non-Anglo-Saxon corporate leaders in Toronto is still very small, approximately 7 per cent.³ The 100 largest corporations listed only about 20 non-Anglo-Saxon businessmen among 325 Toronto-based directors, and only one of 20 had multiple directorships in the leading corporations. None of Canada's major holding companies included non-Anglo-Saxons on their boards.

The labour elite was more receptive to non-Anglo-Saxons than the corporate. Approximately 21 per cent of the labour elite in Toronto were not of Anglo-Saxon origin. The data also indicated that labour leadership at the local level was easier for

non-Anglo-Saxons to achieve than at the national level, where few had succeeded in reaching executive positions.

In the political sphere, 19 per cent of those in elite positions were non-Anglo-Saxons. Three of the 32 judges of the supreme court of Ontario were of non-Anglo-Saxon origin, as were two of the six provincial cabinet ministers residing in Toronto, and several of those involved in the municipal political structure. Again, non-Anglo-Saxon penetration into elite positions is shown to be easier to effect at the local level than at the national level; Toronto had no non-Anglo-Saxon federal cabinet ministers representing it at the time of this study, in spite of the ethnic diversity of its population.

The provincial and municipal civil service was less receptive to non-Anglo-Saxons at the top levels than some other fields; approximately 10 per cent of its upper-echelon jobs were held by people of non-Anglo-Saxon origin, and these were clustered mainly in the research branch. Only two non-Anglo-Saxon names appeared on the list of over 40 Toronto-based deputy ministers and assistant deputy ministers, while about 25 non-Anglo-Saxons were occupying positions as division or branch heads, out of a total of approximately 229 persons. At the municipal level, two of the 19 senior officials were of non-Anglo-Saxon origin.

Owners and directors of the mass media were still overwhelmingly Anglo-Saxon. All the major book publishers were Anglo-Saxon, as were their boards of directors. Some inroads had been made into top positions in newspaper publishing, however; one of the three daily newspapers had two men of non-Anglo-Saxon origin on its executive committee and another included a prominent non-Anglo-Saxon on its board of directors. One of the two major television networks had a non-Anglo-Saxon director, as did two local radio stations. These men represent only about 5 per cent of the total list of owners and directors of the media, however.

Non-Anglo-Saxon members of the academic elite, i.e., Fellows of the Royal Society, included approximately 19 per cent of the total list of Fellows living in the Toronto area. It is significant that a higher proportion of these came from the humanities and social sciences division than from the science division.

Analysis thus revealed that in no major institutional field had the proportion of non-Anglo-Saxons in the elite reached the same level as the non-Anglo-Saxon population in the community as a whole. However, comparisons with the ethnic composition of the elite structure 20 years earlier revealed that, in every case where comparable figures were available, non-

Anglo-Saxon representation had increased considerably.

During the course of the study it became apparent that this formalized attempt at measurement was allowing valuable insights to slip through the researcher's net. Consequently, a second, more impressionistic look at the situation was undertaken, focusing not only on those who have already arrived at the top, but also on those currently moving up from the middle levels of leadership.

This more dynamic perspective pointed to the existence of new patterns, established within the past few years, which will eventually have a significant impact on the ethnic constitution of the strategic elites. For example, new trust companies and savings and loan associations have recently been formed or taken over by non-Anglo-Saxons. These newer financial institutions have not yet achieved the stature of the older, established corporations, i.e., they are not included in the listing of leading financial companies, but they have already helped to facilitate the participation of non-Anglo-Saxon businessmen in ventures which might otherwise never have been funded. Other developments also point to gradual non-Anglo-Saxon penetration into important corporate roles. By 1969 two Jews had been admitted to the Toronto Stock Exchange, formerly an exclusive bastion of Anglo-Saxon power.

Real estate development in Toronto, which has enjoyed tremendous growth since the end of World War II, is a form of enterprise which has become vitally important to non-Anglo-Saxons as a way up the commercial ladder. The building business has offered fresh opportunities to many who found more established commercial fields, like banking and insurance, closed to them. It is a high-risk field which requires little equity to operate on a small scale. By borrowing from the banks on the basis of pledging their own personal worth, and by skilfully manipulating payments to the trades, many small-scale non-Anglo-Saxon builders, particularly Jews and Italians, dramatically widened the scope of their activities, moving from building a few houses to developing complete subdivisions and apartment complexes.

Similarly in other institutional spheres, non-Anglo-Saxons have been moving up toward positions of power and prestige. In the labour field, for example, the large number of Italian labourers has been reflected in the recent inclusion of Italians in the leadership of local trade unions. In the political field, non-Anglo-Saxons have been putting themselves forward as political candidates in increasing numbers. At present, 8 of the city's 22 federal mem-

³ These figures should be regarded as approximations only, due to the difficulties involved in assessing ethnic origins.

bers of Parliament and 7 of the 29 provincial members are of non-Anglo-Saxon origin. The first Jewish senator to be appointed in Canada also resides in Toronto.

Since the end of World War II, the proportion of non-Anglo-Saxon university professors has increased markedly, particularly in developing fields like the social sciences. Analysis of the ethnic composition of the faculty in the sociology department at the University of Toronto over the past 30 years clearly illustrates the changing patterns of recruitment. During the 1938-1939 university session, the four staff members were all Anglo-Saxons. Ten years later, the faculty consisted of five members, one of whom was non-Anglo-Saxon. During the next ten-year period, the department expanded rapidly, and by the 1967-1968 session, it had developed a faculty of 29 people, 11 of whom were non-Anglo-Saxons. Clearly, the rapid rate of growth imposed an urgent need for qualified personnel, and considerations like ethnic origin became increasingly irrelevant.

At the leadership level, changes in ethnic composition have been slower. More non-Anglo-Saxons have achieved top-level academic posts at York University, which, being newer, had to fill a large number of positions in a short space of time. Approximately 9 of the 20 departmental chairmen at York University were of non-Anglo-Saxon origin, while only one of the 19 chairmen of departments at the University of Toronto was not Anglo-Saxon.

The major thrust of upward mobility has taken place in the interstitial, innovative fields, which had no entrenched dominant group in control, and in those fields which require a high degree of technical specialization. Some of the most dynamic spheres include mining, entertainment, construction, and psychoanalysis.

The rate of increase in the proportions of non-Anglo-Saxons admitted to strategic elites has not been uniform for all ethnic groups. To date, Jews have been more successful than other non-Anglo-Saxons in reaching leadership positions in major institutional hierarchies, due primarily to their urban background, high educational level, and a generally longer period of acculturation to Canadian society. Variations were also found in the types of routes to elite status that were followed by members of different ethnic groups. The cultural sphere, for example, has drawn a significant proportion of its leadership from the Jewish group, while the labour movement is currently attracting Italians and Ukrainians to its top-ranking positions. A wide variety of non-Anglo-Saxon groups is currently

represented in the research and planning branches of the civil service.

Analysis of the avenues of ascent followed by members of strategic elites reveals that in contrast to Anglo-Saxons, who rise within the bureaucratic structure, non-Anglo-Saxons typically achieve prominence outside it, through more individualistic and higher-risk paths. In other words, upward mobility is achieved by Anglo-Saxons through established, stable, corporate entities, while non-Anglo-Saxons have to achieve status as individual entrepreneurs.

In a society which is becoming more and more bureaucratically structured, this differential pattern of upward mobility has significant implications for non-Anglo-Saxons. The bureaucratization of contemporary society has been recognized by many social analysts (see, for example, Bensman and Rosenberg, 1963:269). Today, every major occupation is increasingly organized and bureaucratized. Concurrently, opportunities for individual entrepreneurs to rise to positions of power and prestige are disappearing. Enterprise today requires large capital investments, and this requirement brings with it the necessity for large corporate structures. Thus, it appears that the individualistic, high-risk avenues to elite status that have typically served the ambitious non-Anglo-Saxon, are becoming less and less available to him. In the future, we can expect that non-Anglo-Saxons will increasingly have to make their ascent to elite positions *within* the bureaucratic structure; an accommodation which may well lead to considerable inter-group conflict. The usual pattern has been to start one's own small business and to build it up into an important corporate structure, at which time it is customary to add some Anglo-Saxon names to the board of directors, to ensure legitimation.

In addition to the groups suggested by John Porter's research, this study also looked at the ethnic composition of groups like the social elite, the cultural elite, and the professional elite. Social leaders are those who decide who shall be included in the membership of the "best" clubs and who shall be invited to the most exclusive social gatherings. Their position is based on their upper-class status, which derives from a composite of many factors, including old family prestige and a particular life style.

Analysis demonstrated that the social leadership of the Toronto community is still almost exclusively Anglo-Saxon. The city's high-status social clubs do not welcome non-Anglo-Saxon members either by expressed policy or by long-standing custom. The purpose of these clubs is to limit

social interaction to the "right" people, the people "one knows," and these are rarely members of non-Anglo-Saxon groups. Detailed interviews with high-status respondents revealed that Anglo-Saxon leaders rarely make close friends among people of other ethnic groups. Social relations between upper-class Anglo-Saxons and others in the community were found to be categorical and formal in nature, and restricted almost entirely to public occasions.

This social exclusion has important repercussions for the hierarchical structure of the society. Social restrictions have the effect of containing power and prestige within a select circle, even though this may not be the primary motive for exclusion. Membership in the leading men's clubs, for example, is a tacit prerequisite for advancement to top positions in many fields, particularly in the professions and in large corporations. It is in the relaxed club setting that many major decisions are made, and it is through the camaraderie of the club atmosphere that younger men are recognized and selected for future leadership roles. Personal relations are cemented in common social experiences and those who are excluded from them are at a serious disadvantage in their attempts to reach and maintain top positions.

It is important to note, however, that there are powerful forces within the various non-Anglo-Saxon groups which also act to limit social interaction. Their leaders encourage them to maintain a distinctive identity, and, in doing so, they discourage them from close social relations with members of the general community, thus imposing serious limitations upon the degree of upward mobility that can be achieved.

Exclusion from intimate social interaction with the Anglo-Saxon upper class imposes certain practical limitations on advancement into key functional positions that is, into membership in strategic elite in the ways suggested above. Such exclusion is also a crucial factor in restricting the entry of non-Anglo-Saxons into the small inner circle, referred to in the study as the *core elite*. This elite nucleus, whose members combine leadership roles in major institutional spheres with high social status, is the most powerful and prestigious group in the community, and it is this group which has proved almost impervious to non-Anglo-Saxon penetration.

The results of this study indicate that the growing need for skilled specialists and executive talent, occasioned by the increasing complexity of management and the constant development of new techniques, combined with the influx of non-Anglo-Saxons into the society, has resulted

reer access to membership in Toronto's strategic elites. Positions of power and prestige have become more accessible to simplified non-Anglo-Saxons as ascriptive criteria have become less important in recruitment.

Within their own groups, the study found that the non-Anglo-Saxon members of strategic elites occupy positions of high

social status and limit their friendships to others of their own socioeconomic class. They encourage their children to marry within the upper stratum of their group, in much the same way as the Anglo-Saxons. The crucial finding, however, is that within the community at large, a lack of congruity exists between wealth and power on the one hand, and social

status on the other, and it is this discrepancy which prevents non-Anglo-Saxon members of strategic elites from entering the core elite, thus distorting the normal pattern of achievement, mobility and elite formation, to the probable detriment of Toronto's optimum development — and, by extension, of the development of Canadian society as a whole.

REFERENCES

- tzell, E. D., *The Protestant Establishment*, New York: Random House, 1964.
- isman, J. and Rosenberg, B., *Mass, Class and Bureaucracy*, Englewood Cliffs: Prentice-Hall, 1963.
- on, F. M., *Memory's Wall*, Toronto: Clarke Irwin, 1956.
- rkness, R., *J. E. Atkinson of the Star*, Toronto: MacLean-Hunter Limited, 1966.
- len, M., *The Masseys*, Toronto: Ryerson Press, 1965.
- Toronto Press, 1963.
- nter, F., *Community Power Structure*, Chapel Hill: University of North Carolina Press, 1952.
- Keller, S., *Beyond the Ruling Class*, New York: Random House, 1963.
- Lasswell, H., *Politics: Who Gets What, When, How*, Cleveland: The World Publishing Co., 1958.
- Mills, C. W., *The Power Elite*, New York: Oxford University Press, 1956.
- Porter, J., *The Vertical Mosaic*, Toronto: University of Toronto Press, 1965.
- Warner, W. L., *Social Class in America*, Chicago: Science Research Associates, 1949.
- Who's Who in Canada, 1966-68*, Toronto: International Press Limited, 1967.
- Wilkinson, A., *Lions in the Way*, Toronto: Macmillan, 1956.
- Wilson, A., *John Northway*, Toronto: Burns and MacEachern, 1965.

Commission Roundup

activities of the Ontario Human Rights Commission are increasingly penetrating into every area of the Province. Following upon the establishment of regional offices several years ago in Ottawa, Windsor and Thunder Bay, a more intense effort has been initiated from these offices in the past year to bring the Commission's presence to other town and cities within each region. Cities now visited regularly include Kingston and Cornwall, Hamilton and Kitchener, Chatham and London, Sarnia and Sudbury. Most recently Sudbury has acquired a permanent sub-regional office and a resident officer; this practice is expected to be expanded to other cities at a later date.

During the summer of 1970 the regional offices conducted programs to acquaint resort operators and tourists with the provisions of the Ontario Human Rights Code. Letters were sent to the operators and personal visits made, brochures were widely distributed at resorts, at border-crossing points and to Ontario Provincial Police district offices, and radio taped messages and newspaper advertisements were used.

The Commission's community relations work took many forms. At Sault Ste. Marie a liaison committee was set up, consisting of representatives from the Ontario Provincial Police, the Algoma region Indian bands, the Union of Ontario Indians,

the Dept. of the Provincial Secretary and Citizenship and the Commission. The purpose is to open effective lines of communication between the provincial police and Indians in the area. Similar liaison committees may be established throughout northern Ontario.

Also in northern Ontario the combined effort of the Commission and the Employment Standards Branch in working with the Indians was continued for another successful season.

The Age Discrimination Seminar held in Toronto just after the publication of the previous issue of *Human Relations* was very well attended. Entitled "The Older Worker in Today's Economy and Community," the seminar was the first of its kind sponsored by a government agency in Canada. The then Ontario Minister of Labour, the Honourable Dalton Bales, in his luncheon address reviewed the progress made in the four years since the Age Discrimination Act was passed. The Minister outlined possible areas of amendments to the Act, if investigation showed them to be necessary: provision for mandatory retraining programs for older employees with obsolescent skills, jointly sponsored by industry and the Government; inclusion of an anti-reprisal clause, which already exists in the Ontario Human Rights Code; enlistment of industry and personnel agency cooperation to study

patterns of hiring practices. The verbatim Proceedings of the Seminar were printed and copies are still available upon request.

An inquiry into the employment of performers belonging to visible minority groups in mass media advertising was approved by the Commission and a review committee named to hold hearings. The Committee consists of Professor Frederick Elkin, a distinguished York University sociologist, as Chairman, and Dr. Daniel G. Hill, Director of the Commission. Invitations to performers, agencies, corporate sponsors and ethnic organizations to make submissions drew 30 acceptances from individuals, companies and corporate associations.

In July Dr. Hill attended a meeting in St. Louis of the International Association of Official Human Rights Agencies. He is one of the senior members of the executive committee of that body, which is the professional body encompassing hundreds of Canadian and U.S. commissioners and staff members of governmental human rights agencies at all levels. In that capacity he visited San Francisco and Seattle in December, when he addressed meetings of local human rights agencies, namely the San Francisco Commission and the Northern California Association of Human Rights Directors meeting in Oakland, and taped a 30-minute television interview.

Staff changes in the Commission reflect its continued growth. Robert W. McPhee, formerly Chief of Field Services, was named Assistant Director. He will continue to supervise the operations of the Commission's four offices and will assume

added responsibilities as well. The Age Discrimination Section was merged with the Toronto regional office and George A. Brown was put in charge of both. Mrs. Sandra Aiken moved from the Personnel Branch of the Department of Labour to become a human rights officer. The Ottawa regional office saw a change of organization, with Ian Hunter, formerly with the Ontario Department of Justice, becoming Special Advisor and Christof Haussmann being added as a human rights officer. Added to the Toronto office were Julie Javor and Mark Nakamura, to the Windsor office, Kevin Park, and to the Thunder Bay office, Mrs. Ruth Cook, all as human rights officers. Jo-Anne Jenkins was appointed a special projects officer to work in various communities in western Ontario.

Staff training is a continuing process at the Commission. A conference of regional supervisors was held in December, as well as a legal clinic for senior human rights officers to discuss difficult points in their case work, particularly in its legal

aspects. Staff training took on a broader scope when the Commission held a two-and-a-half day workshop on the training of human rights officers March 17 to 19. Attending were members of almost every government human rights agency in Canada.

Statistics for 1970 show that 340 formal and informal cases were handled under the Ontario Human Rights Code, with 139 settled and 201 dismissed. Under the Age Discrimination Act there were 173 cases, of which 127 were settled and 46 were dismissed.*

Miscellaneous inquiries, which range from interpretations of the legislation to possible complaints where the possible complainant does not pursue the matter any further, totalled 6,352 under the Code and 223 under ADA. The fact that there were more miscellaneous inquiries pertaining to age discrimination than there were cases, indicates the persistent reluctance of citizens belonging to the ma-

* These computer-calculated figures do not include cases currently open and which originated in 1970.

jority group to lodge a complaint. One of the Commission's important educative efforts is to make the lodging of age discrimination complaints part of the socially acceptable pattern of conduct among all sections of the public in Ontario.

Under the Code, the largest number of complaints was in the area of employment and the next largest in housing. Among categories of complainants, Blacks were the most numerous; Indians were next, closely followed by European immigrants. Among age brackets of complainants under ADA, the group aged 55 to 59 had the largest number.

Of the Boards of Inquiry held, 18 cases were settled and three were dismissed; one Board of Inquiry required a Ministerial Order following it.

In the pursuit of the Commission's educative effort, over 200,000 pieces of printed matter were distributed, 129 speeches were made as well as 34 broadcasts. Officers attended 50 conferences and 568 community consultations and meetings. Displays were set up at 203 locations.



Mark Bonham Carter Assumes New Functions

Mr. Mark Bonham Carter, a long-time British friend of the Ontario Human Rights Commission, has left his position as chairman of the Race Relations Board, which he held since 1966, to become Chairman of the Community Relations Commission. He succeeds Mr. Frank Cousins, who has retired. Mr. Bonham

Carter launched the Board and can take major credit for its current success.

Mr. Bonham Carter was a key speaker at the 1967 Toronto conference of the organization now known as the International Association of Official Human Rights Agencies.

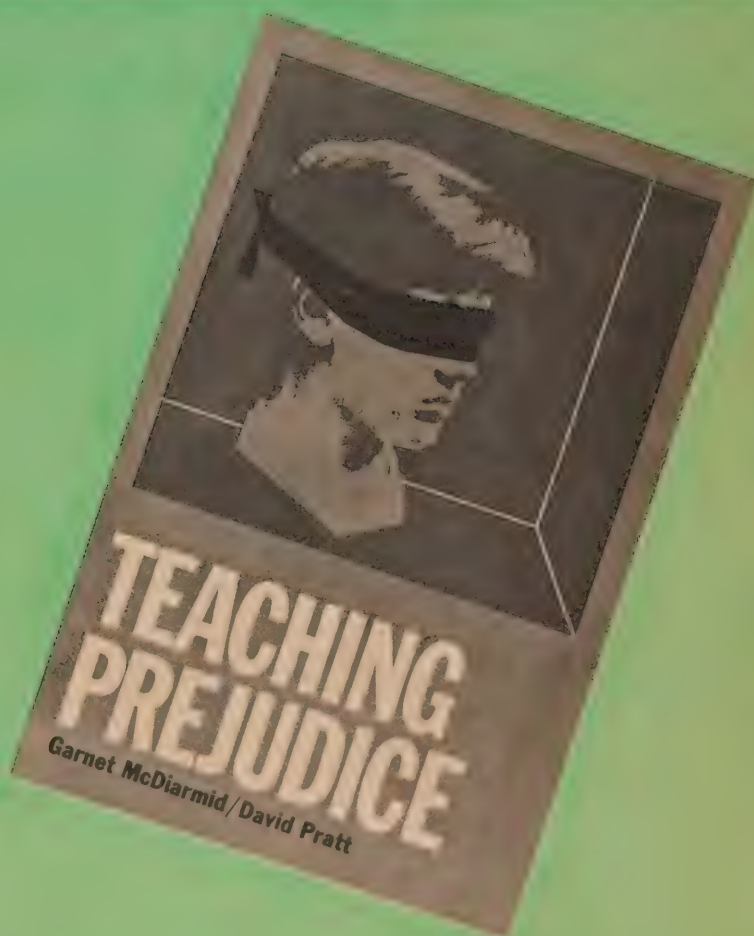
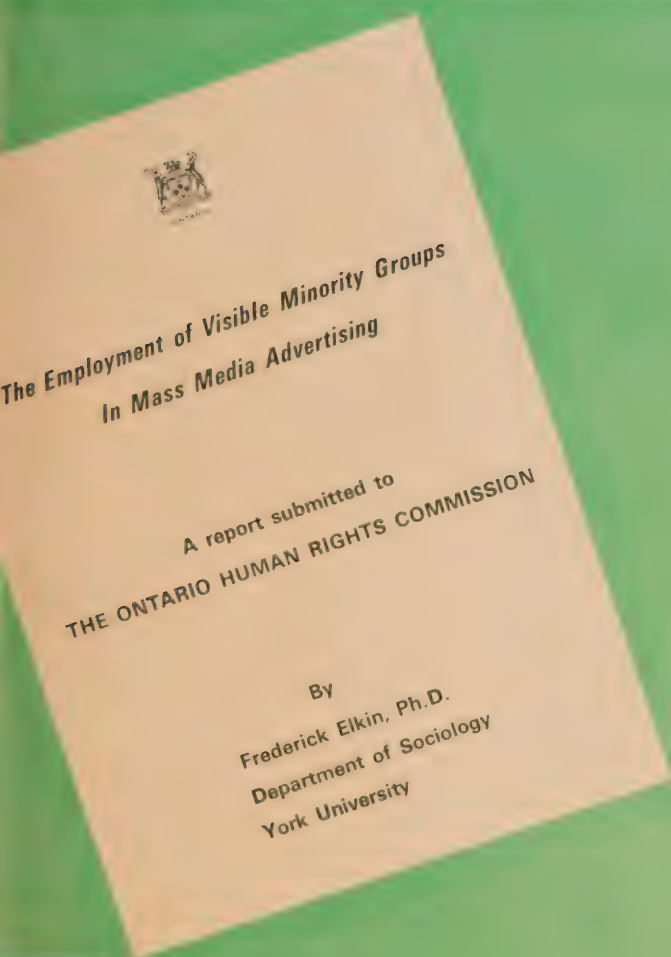
HUMAN RELATIONS



PUBLISHED BY
THE ONTARIO HUMAN RIGHTS COMMISSION



Vol. 12 No. 20 February, 1972



2 ON
12
85

RESEARCH—
THE COMMISSION'S THIRD FUNCTION

HUMAN RELATIONS

Vol. 12

February, 1972

No. 20

Published by the
ONTARIO HUMAN RIGHTS COMMISSION

HON. FERN GUINDON

Minister of Labour

R. D. JOHNSTON

Deputy Minister

Commissioners:

Daniel G. Hill, *Chairman*

Lita-Rose Betcherman, *Ph.D.*

Valerie Kasurak

Gordon Greenaway

Walter Currie

Director

Robert W. McPhee

Commission Offices:

Ontario Human Rights Commission
400 University Avenue
Toronto 2

Southwestern Regional Office
500 Ouellette Avenue
Windsor

Northern Regional Office
235 Bay Street
Thunder Bay

Eastern Regional Office
2197 Riverside Drive
Ottawa

CONTENTS

- 2 Research — Commission's Third Function
- 3 Visible Minority Performers and the Social Significance
of Advertising: *The Elkin Report*
- 6 School Textbooks as the Mirror of Society's
Weaknesses: *Teaching Prejudice*
- 9 Message from the Minister
- 10 Top Level Changes in the Commission
- 12 Proving Discrimination Under Human Rights Code
- 14 Employment Tests and Discrimination in Hiring
Minority Groups
- 17 Commission Roundup

To Our Readers

Readers of *Human Relations* will note changes in this issue's physical appearance. It was felt that the time had come to modernize somewhat the magazine's graphics. The Commission hopes that the readers of *Human Relations* approve of the changes. Comments will be received with interest.

All comments and inquiries should be forwarded to Harold B. Attin, Special Projects Officer, Ontario Human Rights Commission. Subscriptions are available gratis upon request. Articles may be reprinted upon receipt of permission.



Research — The Commission's Third Function

Research in a human rights agency should be problem-oriented. It should be relevant to the jurisdiction of the agency and the issues facing it. This has been the principle guiding the Commission since its inception in the pursuance of its third function of research — the first two functions being conciliation and education.

Research is needed to provide factual information to buttress the Commission's enforcement and educational programs. The covert and polite nature of Ontario bigotry, where it occurs makes it all the more necessary to engage in research to define the nature and scope of discriminatory practices and avoid mere speculation.

Since 1962 the Commission has generated many studies by commissioning them from universities and other bodies. The appearance now of two very significant products of this research program almost simultaneously has led *Human Relations* to feature the research function in this issue. The two studies are the *Elkin Report* and *Teaching Prejudice*.

Visible Minority Performers and the Social Significance Of Advertising: The *Elkin* Report

There is little doubt that racial discrimination against visible minority groups occurs in mass media advertising. The image of the Canadian population reflected in Canadian advertisements is biased.



Dr. Frederick Elkin

Dr. Elkin's Department of Sociology, sums up findings thus:

On the basis of our content analysis of newspapers, magazines, television commercials and the testimony of witnesses, there is little doubt that racial discrimination against visible minority groups occurs in mass media advertising. Visible minority groups are judged on their racial characteristics and are not given the same opportunities as whites. There is little doubt too that the image of the Canadian population reflected in Canadian advertisements is biased in the sense that we tend to see a country made up of whites with very few Asians, Indians, Eskimos or Blacks. Dr. Elkin grants that "there are grounds for complaint by visible minority groups". Regarding the image of Canada presented, he asks, "Is this the Canada we would have continually put before us?" The public hearings which led to the report had their genesis in an increasing concern by the Commission with the opportunities for employment of actors, musicians and models who are Blacks, Asians, native Indians or Eskimos. The issue arose through complaints brought to the Commission, which then considered it was insufficiently informed on the

subject and "commissioned the review in order to gain information and receive suggestions for its future actions". The Commission did so under the general mandate given to it in section 9 of the Ontario Human Rights Code.

A Review Committee consisting of Dr. Elkin and Dr. Daniel G. Hill, then staff Director of the Commission, was created by the Commission and held hearings early in 1971. The Secretary of the Committee invited all the groups involved in mass media advertising — performers, talent agencies, photographers, film production houses, advertising agencies and corporate advertisers (the sponsors) — to present briefs. In all, 27 briefs were presented by individuals who were also questioned at the hearings; they spoke either for themselves, for a group performing similar functions or for an entire professional association. To this was added information obtained from a survey of printed advertisements in Ontario and commercials on Canadian television channels in the Toronto area.

Dr. Elkin alone wrote the Report; Dr. Hill chose not to join in its drafting or writing.

The Committee's terms of reference were to ascertain if visible minority performers are treated differently, and, if so, in what way and why. Their concern included the current situation and future prospects: "We seek to understand the problem in the context of democratic pluralism and change in Canadian society for, without such a context, it seems unlikely that any recommendations would be meaningful."

Criticisms of the undertaking, which arose from its inception, are answered by Dr. Elkin in the Report. The number of

people, performers and models, actually involved (a few thousand), he grants, is small enough so that the issue "would hardly seem to be a crucial one". But he answers:

Yet the issue . . . is central to the value system of our society. We hold in Canada to the equal dignity and worth of all human beings and to the ideal that individuals be judged as individuals and not as members of racial, religious, ethnic or national groups. By virtue of given physical features, place of birth or heritage, one should not experience discrimination.

. . . The visible minority groups are part of our Canadian mosaic . . . By virtue of their visible differences, they can more pointedly demonstrate the basic issues and problems of those groups in our society that are "different".

The industry involved, advertising, adds further significance to the project. Though not a large employer it is

a central institution of our society, one which compares with the family and the school in establishing the basic values of our society . . . Few groups, on a mass level, have more power to motivate and mobilize for action . . . Advertising, insofar as it presents an image of the Canadian population and images of particular minority groups to audiences of millions, cannot be judged only as an employer of personnel.

Nor is there any parochialism in holding hearings limited to Ontario, and preponderantly to Toronto, since Toronto is the centre for the communications industry in English-speaking Canada and even for French Canada; most television commercials are first produced in English and then adapted or given French voice-over. Thus this Report's issue and the ramifications of the issue are nationwide.

The report provides a breakdown of the use of visible minority models and performers by medium.

Of Canadian television commercials with visible minority group performers, one-quarter were sponsored by non-profit organizations and were of a documentary nature, and one-quarter were photographed outside Canada. Thus less than two out of five, in terms of ratio, were produced in Canada, 17 in all, of which 12 were repeated commercials for two sponsors. The performers in these seven commercials were mostly in non-speaking group roles.

Dr. Elkin concludes that, given the data, visible minority performers are legitimately concerned about jobs in mass media advertising. This concern can be buttressed by the clear assumption of witnesses from the advertising industry that "although it may not be overtly stated,

visible minority performers are not to audition for parts unless the script calls specifically for a visible minority group person". These are racially identified roles, for example, a Black playing a Jamaican for a tourist travel commercial, a Chinese-Canadian playing a coolie or a waiter. There are very few such roles and they are mostly bit parts.

This situation engenders a vicious circle: in the absence of opportunities, few take training, particularly Asians and native Indians, and few are registered with talent houses. The agencies then claim that there is a very small pool of talent on which to draw, a very narrow range of types, and so, if they were used, they would soon be "overexposed", in that the same faces cannot be shown repeatedly for different products. Hence agencies are even less inclined to ask for them unless there is a racially identified role. (A partial exception is the use of Asian girls as models, but even here it is for non-mass media work, that is, in fashion shows, specialized brochures and even the teaching of modelling).

The racially identified role leads to stereotyping of the whole minority group, though this is becoming less true of Blacks. At the Review Committee hearings one witness, from the Chinese Canadian Association, noted:

There is a high percentage of lawyers, doctors, ministers, engineers and other professional people in the Chinese community. . . . We are like all other Canadians. Thus we feel that being Chinese shouldn't mean that you are either a waiter, laundryman, cook or coolie, as commercials seem to assume.

A spokesman for the Indian-Eskimo Association told the hearings:

The use of native people in advertising is absolutely nil as far as the Association can determine. If an Indian does appear in a commercial or an advertisement, he is usually a caricature, and most likely not a "real" Indian anyway.

Groups like Asians and native Indians, insecure in Canadian society and/or often low in the socio-economic scale, are particularly sensitive to a stereotyped image.

For non-racially identified roles, there are, admittedly, some products requiring very particular types, for example, a blond girl to act as a Swiss dairy maid with a German accent for a Swiss cheese. But many non-racially identified roles, that is, "ordinary" people — "housewives, young couples, partygoers, white collar workers, gas station attendants, tourists", do not call for models or actors of any given racial group. The visible minority performers complain that they are never called to audition for these roles. One black performer stated, "Because a person's skin, colour or accent is different

from most, it makes that person no less a Canadian and no less a person. All we want is an opportunity to prove it".

In the case of this category, Dr. Elkin notes, "we may speak of racial discrimination, conscious or otherwise", on the part of the various links in the chain which is the advertising industry. Many of the links do not make the final decisions and so can shift the responsibility upwards. "The crucial role then inevitably falls on the advertisers themselves who pay the costs and can insist that certain people be, or not be, hired." All the other links feel they must accede to the wishes — and even second-guess unexpressed wishes — for fear of jeopardizing their business.

Perhaps the most singular feature of the hearings was that all the witnesses from the industry but one acknowledged that discrimination was practised, but denied that it stemmed from prejudice or malice. Rather, they grounded it in a strongly held theory which has been implemented for years. That is "the assumption that particular racial and ethnic groups more readily identify with their compatriots and with models and performers from their own groups."

This theory is combined with the practice of researching a "target profile" which describes the characteristics of the population group at whom the product and its advertising are aimed. Since visible minority groups make up a very small proportion of the population and of consumers, the advertising industry considers it unreasonable to adapt their advertising to them by using visible minority performers to appeal to them.

The *Elkin Report* counters the identification theory as well as other views expressed by industry spokesmen concerning visible minority talent. The author points out that "identification is not a concept with a single meaning. We do identify with emotional situations, relationships and ideas", as well. Moreover, in an advertising campaign it is virtually impossible to isolate the influence of a particular model or performer from such features as music, packaging, name, price, competing campaigns and word-of-mouth.

The Report urges more research and the avoidance of "undue generalizing". There are citations from American studies on the impact of the greater use of Blacks. These tend to the conclusion that there is no alienation or backlash among white audiences. "Whites are generally indifferent to well-conceived, integrated advertisements."

Canadian audiences, which watch as much U.S. television as Canadian television and read at least as many U.S. magazines as Canadian ones, have thus already been conditioned by the considerable use of black performers and models.

With regard to French Canada, it is a unexamined belief that French-Canadian regard any advertisement with a visible minority person in it as of U.S. origin. It is important to realize that there are no many French-speaking Blacks in Quebec and it seems unlikely that Quebecers would react negatively to a Black on television who spoke French.

These points of the author's are reinforced by quotations from "maverick" spokesmen from the advertising industry speaking of future developments in Canadian advertising. They are of the opinion that the colour of performers is not especially important to the Canadian public, though "good looks" are. A photographer said, "You do not use a minority group in your ads; you use people. If you are interested in young people in your ads, then young people are young people. They are not black or white."

Counter-arguments are offered to other points made by the advertising industry representatives. On the subject of a limited pool of talent and the danger of overexposure, Dr. Elkin notes that "this is hardly convincing when so few visible minority group persons have been invited to audition". Moreover, if advertising showed an interest in hiring such personnel, "it would probably not be long before the numbers increased".

To the allegation that corporate sponsors hesitate to use one member of a visible minority group lest they be accused of "tokenism", the report answers that while such performers have been used so rarely, "the introduction of even a limited number is a step, although small, in a new direction. If the movement did not grow, tokenism would be a legitimate charge but at this point it would hardly seem a good reason to refrain from hiring" such performers.

The report sums up by recognizing that the pattern has grown up over the years but asks whether the advertising industry should now change their policy.

The advocated change is placed in a broad social context of practical and ideological considerations. Viewing the friction and bitterness in other countries, and noting that the roots of conflict exist in Canada too, the report expresses the hope that we can benefit from these observations and exercise foresight. In promoting optimum intergroup relations harmonious advertising is but one instrument among many, but an important one.

Moreover, in accordance with explicit Ontario Government policy, "we should strive for equality of opportunity for residents" of the province. It is also of prime importance that all residents of Canada "should know that we are a mixed population, a country made up of many groups who come from many places"

preparing his recommendations for action, Dr. Elkin took note of the good will manifested in the past by the advertising industry. It has attempted to regulate advertising content and has contributed to national and philosophic issues. "However, regarding public taste and the problems of deprived groups, they have not taken any strong initiatives," with a few exceptions.

In his way of preface to his recommendations, Dr. Elkin also makes reference to governmental bodies which are relevant to the study but which the Review Committee did not consider within their sphere of reference — the Canadian Radio-television Commission, the Fair Employment Practices Branch of the federal Department of Labour, and the Human Rights Division of the Citizenship Branch of the federal Department of the Secretary of State. Though declaring that his recommendations would not involve them, he notes that they have "the responsibility to consider equality of opportunity in mass media advertising."

The substance of the Report's recommendations is as follows.

To the Government of Ontario.

Accepting the propositions that the Government of Ontario . . .

—Should set an example in the Province for fair and equitable treatment for all its citizens, including visible minority groups,

—Is concerned with the long-run welfare of the Province and seeks, insofar as is feasible, to forestall future difficulties and problems, *We Recommend* that the Government of Ontario

1. Establish guidelines for its own departments and agencies to require that they purchase from, and contract with, only those firms and agencies which, in their activities and publicity, adhere to the letter and spirit of the Ontario Human Rights Code.

Firms and advertising agencies which refuse to support the aims and programs of the Ontario Human Rights Code should not be recipients of provincial funds. In advertising practice, this would imply a policy of non-discrimination and a conscious attempt to portray Canada as a society of diverse ethnic and racial groups. The mechanics of operation and enforcement should be arranged by the particular government department, the contracting firm, and an Ontario Human Rights Commission Contracts Officer.

2. Establish guidelines for its own departments and agencies so that

their publications, films and advertisements would demonstrate the ethnic and racial diversity of Ontario.

Government departments and agencies should not only abide by the policies and aims of the Ontario Human Rights Code; they should acknowledge their responsibility for public education.

II To the Ontario Human Rights Commission.

Accepting the propositions that the Ontario Human Rights Commission . . .

—Is the government agency most aware of population changes, problems and contributions of Ontario's minority groups,

—Symbolizes the Government's and public's concern with a just, equitable and pluralistic society;

We Recommend that the Ontario Human Rights Commission

3. Establish the position of a Human Rights Contracts Officer to serve as liaison between the Ontario Human Rights Commission and other Ontario government departments and agencies.

It would be the responsibility of these Officers to review and ensure compliance on matters of human rights, including mass media advertising, in all contracts negotiated by government departments and agencies with business firms and advertising agencies.

4. Establish a mechanism for a continuing dialogue with those private groups concerned with mass media advertising — talent houses, modelling agencies, the Association of Canadian Television and Radio Artists, film production houses, photographers, advertising agencies, advertising firms and others, so that these groups may be aware of their legal responsibilities under the Ontario Human Rights Code and be encouraged to support actively the spirit of the Code.

5. Establish, to the degree that is feasible, a procedure for an annual review of the employment opportunities and portrayal of minority groups, including visible minorities, in mass media advertising.

III To Advertising Firms and Advertising Agencies.

Accepting the propositions that the advertisers and advertising agencies . . .

—Recognize the ethnic and racial diversity of our population and uphold the value of a pluralistic society and the fair and equitable treatment of minorities,

—Have a responsibility to the public at large by virtue of their access to the public airwaves of radio and television;

We Recommend that the advertising firms and advertising agencies

6. Announce as official policy that they uphold the value of equality of opportunity for all Canadians and affirm that modern Canada should be portrayed in advertising as a country of diverse ethnic and minority, including visible minority, groups.

Steps should be taken to implement the policy within their own associations and through collaboration with the Ontario Human Rights Commission.

7. Establish a generous fund to provide grants and bursaries to visible minority group persons who show talent in modelling and the performing arts — especially to Canadian Indians and Asians of whom relatively few are trained and available.

Such awards will also help publicize the opportunities among members of such minority groups and, in the years to come, lead to a greater supply of models and performers.

IV To the Ethnic Groups.

Accepting the propositions that ethnic and minority groups in Ontario . . .

—Are represented by associations which serve as spokesmen for significant segments of the membership of these groups;

We Recommend that the major ethnic and minority group associations

8. Assume the responsibility for informing the members of their groups of the pattern of operation of mass media advertising and the process by which models and performers are selected.

9. Assume the responsibility of gathering information from their groups which might be helpful to those personnel involved in the selection process of mass media advertising.

Such information might include lists of available personnel and their qualifications and the relevant needs within the community for training personnel.

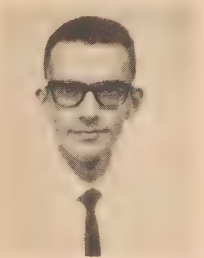
10. In those instances in which they believe that their groups are stereotyped and misrepresented, they develop style guides for distribution to mass media, advertising agencies and other interested groups.

School Textbooks as the Mirror of Society's Weaknesses: *Teaching Prejudice*

"Stereotypes and biased communication pervade our culture, which textbooks may be said to mirror . . . When we recognize that we are teaching prejudice, we must face up to our responsibilities."



Dr. Garnet
McDiarmid



Dr. David Pratt

After a thorough study of Ontario's public school and high school textbooks in social studies, the authors of the book *Teaching Prejudice* conclude,

We have come to believe that stereotypes and biased communication pervade our culture, which textbooks may be said to mirror.

Where bias is not involved, a kind of "genteelism" seems to prevail:

Blandness is the keynote. . . . Many texts mistake a middle-of-the-road position for objectivity, as though immorality inhered in the controversy and not in the subject of discussion. . . . If a middle-of-the-road position is taught as the ideal position to assume on all controversial matters, what position can students be expected to assume where such issues as prejudice, discrimination, persecution and human rights are concerned?

Blandness has, as an inevitable consequence, the fact that "the texts at present used in our schools ignore the social issues of our time."

The authors of this study are Dr. Garnet McDiarmid, assistant professor, department of curriculum at the Ontario Institute for Studies in Education and Dr. David Pratt, Faculty of Education, Queen's University. Their study of 143 textbooks

was done under the aegis of OISE which in turn was approached by the Ontario Human Rights Commission, who initiated the study, but then left the execution entirely in the hands of the two authors. The Commission also obtained the cooperation of OISE's parent body, the Ontario Department of Education.

The study had its genesis in complaints which the Commission had received about the treatment of certain groups and particular historical events in textbooks. Under section 9 of the Ontario Human Rights Code, the Commission felt it was appropriate to initiate such a study; section 9 gives the Commission a general mandate

to forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, nationality, ancestry or place of origin . . . to develop and conduct educational programmes.

The initial concept was defined by the Hon. William Davis, then Minister of Education, in a statement to the Legislature in May, 1965:

In cooperation with the Ontario Human Rights Commission and its Director, Dr. Daniel Hill, we are about to make a thorough examination of all school textbooks, not just for the purpose of removing material which may be offensive to any of the groups which make up our multi-national family, but more important, to make sure that our textbooks do contain the type of material which does full justice to the contribution of many peoples to the development of our Province and Nation.

The study's terms of reference were:

To seek to identify statements that could be considered as discriminating against minority groups, to assess the possible omission of material that, had it been included in the texts, could

Implementation

To review the recommendations of the book discussed in the accompanying article, *Teaching Prejudice*, an Interdepartmental Textbook Committee was formed in November, 1971 at the request of Dr. E. E. Stewart, Deputy Minister of Education and the then Deputy Minister of Labour, Thomas M. Eberlee. The Committee is also reviewing the recommendations made in a study of bias in textbooks carried out within the Department of Education.

The Chairman of the Committee is Dr. Daniel G. Hill, Chairman of the Ontario Human Rights Commission. Members are Dr. Lita-Rose Betcherman, Director of Women's Bureau and Messrs Gordon Nelson and Peter Wiseman, Curriculum Branch, Department of Education.

The Committee will recommend to the Government further action which can be taken on the basis of the recommendations which conclude both studies.

reasonably have been expected to lead to an alternative interpretation of specific events, and to make any recommendations for change that seem appropriate after the analysis of the findings.

A method was sought sufficiently precise so that others could judge and replicate their work. The answer was the use of both quantitative and qualitative techniques; the former "consisted of calculating the total amount of space devoted to the country and people in question; the qualitative techniques, of subjective historical criticism."

Some guidance was obtained from many previous researchers in textbook content:

The main sins of omission are the failure to note the positive contributions and qualities, the contemporary contribution, and the persecution of, or discrimination against, minorities. The main sins of commission identified are: an excessively political approach, resulting in emphasis on war and conflict, an unscholarly reproduction of stereotypes, and the casual use of emotive or pejorative terms to describe members of specific groups.

The authors feel more research needed in the analysis of latent content. Prejudice still manifests itself in textbooks, but because it has become more respectable it is more subtle. Immigrants may no longer be called "shallow and vicious", but there are still instances where they are referred to "a problem" or "a swarm." It may be that these terms have a more immediate effect on readers' attitudes than

ould more obvious discriminatory references.

historiography of Canada illustrates working of biases. A 1966 study compared English and French Canadian histories and reported that they used differential selection and interpretation of data to support their particular viewpoint: English Canadian texts focused on the development of parliamentary democracy and nationhood within a Canadian frame of reference; French Canadian texts were more concerned with the survival of French culture, language, and religion within the frame of reference of a self-conscious Quebec.

As the texts confirm prejudices by failing to discuss those issues which would help the two groups to understand each other.

The psychological significance of these long-standing divergences in history writing is explicitly noted in *Teaching Prejudice*.

In perpetuating invidious comparisons between groups, the textbook merely reflects the widespread tendency for groups to seek conformity to their own standards and at the same time to establish their own superiority by finding, and if necessary creating, "outside" groups that fail to conform, even if this means shielding the young from reality. The authors see an expression of this objectism vis-à-vis the young in the fact that the texts studied neither differ greatly among themselves nor have changed over a 50-year period. The underlying instinct to keep one's children away from ideas that might threaten the relative complacency of our society. A solution can only come with the recognition that textbooks cannot be changed until it is realized that the social context conditions the schooling. Aspiring authors of textbooks realize this, and write what they think publishers and school boards will accept. They also believe that their primary function is to instill loyalty. McDiarmid and Pratt have written in rebuttal:

The ideal of truth in history implies that truth shall be the primary not the secondary aim in textbook writing. . . . Loyalty which is achieved at the expense of truth has the most fragile foundation, which later knowledge may sweep away.

After this preliminary survey, the authors approached the 143 texts authorized for use in Ontario for 1968-1969. The second chapter deals with the conveying of prejudices through the use of words, phrases, and sentences which have evaluative significance beyond what the element should really convey. These "evaluative assertions" used to describe

particular minority groups, McDiarmid and Pratt note, "seem almost guaranteed to build up stereotypes that discredit the authors and, in fact, defraud the readers."

An example given is the distinction between the statement "Indians killed some people who encroached on their territory" and "Indians murdered some people who encroached on their territory."

Assuming that the basic facts of the case are true, the word "killed" is neither euphemistic nor judgmental. It is a simple statement of fact. The word "murdered", however, is an evaluation that requires adjudication. If such evaluative and generally emotive terms are applied a great deal more often to one group of people than to another, then it is prudent to examine the assumptions underlying the messages.

The authors grant that some historical events are so terrible that words with negative connotations are appropriate. But even then the writer must justify his choice of words by citing evidence.

Such a balanced presentation was rarely found in the references to the six groups they selected for sampling: Jews, immigrants, Moslems, Blacks and Indians with Christians as a control group. Using the quantitative method, they found that the words used to describe members of these groups "showed an obvious, even blatant, difference." The adjective most frequently used for each group is "devoted Christians," "great Jews", "hardworking immigrants", "infidel Moslems", "primitive Blacks" and "savage Indians."

A scoring method was worked out for the noun, verb and adjectival completion of the assertions pertaining to the six groups. The authors explain this method in detail and express the belief that the teacher who uses it can help students analyze a text and differentiate between a simple and an evaluative assertion. They also believe that the method is scientifically accurate and not random and that it is not difficult to teach.

Using this method the authors discovered that Christians were never evaluated unfavourably, but only five texts evaluated Indians favourably and 14 evaluated them at the other end of the scale — unfavourably. Among the six groups analyzed, Christians and Jews received the most favourable treatment and Blacks and Indians received the least favourable treatment. Moreover average scores "mask the extreme scores, which indicate the existence of strongly worded passages that may very well be more effective in the matter of producing and reinforcing stereotypes."

As an extension of the text, illustrations were also analyzed and scored. The findings were that the illustrations do perpetuate stereotypes. One element leading to

this result may be the publishers' penchant for choosing picturesque illustrations. "Although most Indians have worn western dress for generations, 95 percent were shown in tribal dress or only partly clothed . . . None were shown in skilled or professional occupations." Skilled or professional work, judging from the illustrations, seems largely the preserve of whites.

For the treatment of critical issues *Teaching Prejudice* moves to the qualitative approach. Four requirements were applied in selecting the issues: they had to relate to the question of the treatment of minorities; they could be expected to be treated in at least one grade level; they were too important to be glossed over or omitted; and they could be, but should not be, treated ethnocentrically.

The eleven issues chosen are the concept of race, the expulsion of the Acadians, Québec and the conscription crisis in World War I, the extinction of the Beothuk Indians, the Canadian Indian today, the treatment of Japanese Canadians in World War II, legislation against discrimination in Canada, the Blacks in the Reconstruction period, the black civil rights movement in the United States, Britain and Ireland, 1916-1921, and the Nazi persecution of minorities. For each issue the authors developed a model description, about 1000 words in length, incorporating the main established facts, as drawn from the most authoritative authors whose works are readily available and in English.

Against these descriptions each text's treatment of an issue was measured. Bias in favour of minorities was treated in the same way as negative bias.

In the texts where the concept of race would be expected to be treated, more than two-thirds did not mention it. Of the 11 others, only four were rated "good."

The facts that refute the misconceptions [about race] have been easily available for decades. Our research reveals there is little chance that Ontario students will, through the medium of their textbooks, become acquainted with these facts; if they touch on the topic at all in school, there is an equal chance they will learn the misconceptions.

The issue of the expulsion of the Acadians was treated more thoroughly and fairly than any other except Québec and the conscription crisis in World War I, which was handled equally well.

Of 27 texts where the extinction of the Beothuk Indians of Newfoundland might have been treated, all but two ignored it, and only one of those two had coverage judged "good". This "contrasts sharply with the detail lavished on Indian attacks on white settlements and individuals."

Of 23 texts, 18 did not mention the Canadian Indian today. All those that did

were judged "poor". There was no serious attempt to discuss "the legal and ethical questions, especially those pertaining to treaty rights, which now face Canadians." In general the negative treatment of Indians is marked by the practice of comparing their seventeenth-century forefathers with twentieth-century white men. There is also a widespread practice of injecting casual phrases reinforcing the stereotype of Indian savagery.

It is bad enough that any group should be subjected to prejudicial treatment, but the fact that Indians are the native people of this country and that their children are required to read these texts compounds the immorality of such treatment.

Seven texts could have discussed the treatment of Japanese Canadians during World War II, but four omitted it and the others were poor.

Civics texts which could have treated legislation against discrimination in Canada numbered eight. None was judged as good.

Several of the texts emphasized or quoted the Canadian Bill of Rights, but most of them failed to present the much more powerful and explicit provincial legislation. Oddly enough, the Ontario Human Rights Commission and its functions were not mentioned in any text, in spite of the fact that the texts examined were authorized for use in Ontario.

In view of the concern shown in these texts with vaunting the "Canadian way of life," it seems odd that they paid such scant regard to an area in which Canada could take justifiable pride.

The black civil rights movement in the United States could have been treated in nine texts. Four ignored it and, of the others, none was judged good in its presentation. They were mostly concerned with extremists and omitted the fact that the movement has also been characterized by legal decisions, "popular acceptance of racialism", black organizations and leaders. Thus students are afforded no help in

obtaining an understanding of this major problem.

Fourteen of the 17 texts failed to discuss Britain and Ireland, 1916-1921, or else did a poor job.

Of 19 textbooks which constituted the sample on the subject of the Nazi persecution of minorities, eight made no mention of it. Not one was judged adequate. The authors find this "astonishing" when one reflects that this "must be considered one of the most atrocious chapters in the whole history of mankind." Some mentioned only Jews as victims and there is little or no indication that the concentration camps "are the outcome of discrimination against minorities taken to its extreme conclusion."

The book cites other examples of subjects inadequately treated, aside from the 11 issues treated in chapter four. Regarding immigrants, the authors often found an unspoken assumption that they must adopt English ways, "to which they represent, in some way, a threat."

On the subject of communism,

... the authors clearly intend to prevent the students from reaching their own conclusions about [it]. . . . However laudable the authors' intentions, this is not education but indoctrination.

The history of the labour movement is given one-sided presentation. When dealing with the turn-of-the-century era, the textbooks tend to emphasize violence and to suggest that it all emanated from one side. Few texts deal with the significance of the labour movement in present-day Canada.

Approaching their recommendations, the authors begin by stating "When we recognize that we are teaching prejudice, we must face up to our responsibilities." They urge that the quality of textbooks and the curriculum be improved in every way possible, and lay the responsibility on "educational officials at all levels, from the Department of Education to the individual classroom."

The recommendations may be presented in itemized form as follows:

- To overcome defects of commission
 - ask publishers to make all revisions noted in the book
 - meanwhile all social studies teachers to be given lists of errata
- To overcome defects of omission
 - seek, or commission, books which are scholarly, up-to-date information on the history and status of minority groups in Canada and elsewhere, and on the dynamics of prejudice
 - these books be approved as texts
 - programs of study of Department of Education be revised — especially Canadian history and geography to emphasize more the role and status of minority groups
- To preserve these gains for future
 - Department of Education to develop guidelines for publishers and authors
 - standing committee for textbook evaluation to be established with representatives of O.H.R.C., Department of Education, OISE and other institutions of higher learning
 - social studies texts be submitted to International Schoolbook Institute, Brunswick, West Germany, to evaluate intergroup content
 - studies to assess progress in treatment of subcultures, i.e. ethnic, racial and religious minorities
 - studies to assess textbook treatment of women, the poor, youth, aged, trade unionists, and political minorities
- Because of national importance of intergroup relations
 - teacher education authorities should give this matter top priority in developing instructional programs
- For the longer term
 - Department of Education should allow latitude in development of courses of studies at local level.*

*Copies of *Teaching Prejudice* may be obtained from the Publication Sales Department, The Ontario Institute for Studies in Education, 252 Bloor St. Toronto 5. Each copy costs \$2.50 and a handling charge of .25 should be added.

A Message from The Honourable Fern Guindon Ontario Minister of Labour



To the readers of *Human Relations*:

In assuming the portfolio of Minister of Labour, in succession to my colleague Gordon Carton, I am particularly pleased that the Ontario Human Rights Commission will be part of my responsibility. I have long felt a strong concern for human rights in this Province and for the work of the Commission.

I come naturally by a concern for minority rights and take a vital interest in my duties as Chairman of the French Policy Advisory Committee and member of the Prime Minister's Committee of Advisors on Bilingualism.

As I observe the Commission entering its tenth year of existence in its present form, I can assure the residents of Ontario that it is better equipped than ever to pursue its two-fold aim, first enunciated by the Hon. John P. Robarts, former Prime Minister of Ontario, and incorporated in the preamble to the Ontario Human Rights Code:

- To make secure in law the inalienable rights of every citizen.
- To create a climate of understanding and mutual respect among our people so that all will be afforded the unhampered opportunity to contribute their maximum to the enrichment of the whole community.

It is my hope and intention that the scope and effectiveness of the Commission's work will continue to grow, thus assuring that the Ontario Human Rights Commission remains in the vanguard of Canadian governmental human rights agencies.

Top Level Changes in Commission



Thomas M. Eberlee, Deputy Minister of the Department of Labour and Secretary of the Commission, has left to become Deputy Minister, Management Policy, Treasury Board.

Mr. Eberlee was appointed Secretary to the Commission's predecessor body, the Ontario Anti-Discrimination Commission, in 1959. In those early days he handled much of the staff work and wrote the Commission's first major educational pamphlet, *Human Rights Are in Your Hands*. In the years since, he has played

an active role in the Commission's legislative, educational and research programs. Recently he has written articles for *Human Relations* and aided the Commission in conciliating some of its most difficult cases.

He will be greatly missed by the Commission, the administrative staff and the numerous community organizations which have had the pleasure of working with him. The Commission's best wishes accompany him in his new and very important position.



Louis Fine, LL.D., the Chairman of the Commission, retired on December 15, 1971. In 1951 the Honourable Leslie Frost appointed Dr. Fine as the first administrator of the Fair Employment Practices Act. He later became Chairman and combined these duties with a distinguished career as a labour mediator.

In his position with the Commission Dr. Fine became known as "Mr. Human

Rights." He was awarded the degree of Doctor of Laws by the University of Windsor and Trent University, in recognition of a lifetime of talented and effective service to his fellowmen. He set an exemplary standard as the Commission's first Chairman and successfully directed the Province's assault on prejudice and discrimination in our society.



Daniel G. Hill, Ph.D. was appointed Chairman of the Commission to succeed Dr. Fine. Dr. Hill has been the Commission's Director since 1962, when he left an academic career as a sociologist and teacher to organize the new Commission.

In announcing the appointment the then Minister of Labour, the Honourable Gordon Carton, Q.C., said Dr. Hill's rich experience in the field of human relations makes him eminently qualified for his new post. As Chairman he will be

responsible for reviewing and guiding the Commission's activities and advising the Province in respect to new human rights policies.

Dr. Hill is an executive member of the International Association of Official Human Rights Agencies and has worked closely with the Race Relations Board of Great Britain. He has assisted several Canadian provinces to develop human rights legislation and educational programs.



Valerie Kasurak is one of two new Commissioners whose appointment was announced by Ontario Labour Minister Gordon Carton. He noted, in regard to Miss Kasurak, that her extensive experience will be of great value to the work of the Commission.

She has made significant contributions in many areas of public life as Vice-President of the United Community Services of Greater Windsor, Chairman for Citizenship and Immigration of the Provincial Council of Women of Ontario, President of the Windsor Life Underwriters Association and member of the Windsor Press Council. As a member of the Ukrainian

Canadian Business and Professional Association and a member of the Windsor Advisory Committee on Employment, to which she was appointed by the Ontario Government in 1968, Miss Kasurak has expressed her strong interest and concern with the employment problems faced by many new immigrants and minority groups.

The Commission also expects to use her valuable experience with the United Nations; she was appointed an Alternate Representative for Canada to the U.N. Human Rights Commission in New York in 1964 and in Geneva, Switzerland in 1965.



Walter Currie, appointed a Commissioner, is director of the Indian-Eskimo studies program at Trent University. He is fluent in the Ojibwa language, has worked with numerous Indian organizations and is past President of the Indian-Eskimo Association of Canada. For many years he

was an adviser on Indian Affairs to the Ontario Department of Education. He is a former school teacher and principal. His broad experience in education will be particularly valuable to the Commission in developing a strong human rights program in educational institutions.



Robert W. McPhee was named Director of the Commission. He was previously Assistant Director. His history with the Commission began in 1966 when, as a human rights officer, he was sent to open the northern regional office in Thunder Bay. He established extensive links with the Indian bands and organizations and

brought their special problems to the attention of the Commission.

In 1969 Mr. McPhee was named Chief of Field Services and, later that year, Assistant Director. He supervised all activity of the regional offices, as well as carrying other responsibilities.

Proving Discrimination In Boards of Inquiry Under Ontario Human Rights Code

By John Sopinka

Sometimes a defeatist reaction to the experience of discrimination is: "But you can't prove it!" The fact is that, before most of the Boards of Inquiry held under section 14 of the Ontario Human Rights Code, it is "proven" to the satisfaction of the Chairman of the Board of Inquiry.

Author's Note: In keeping with the title of this article the emphasis is placed on proving discrimination rather than on conciliating the complaint between the complainant and the respondent, which is perhaps the Commission's more vital function. Some of the recommendations herein with respect to the conduct of the Human Rights Officer may not be appropriate where conciliation is the primary goal. In such a case, in order to encourage a frank disclosure to further the effort to achieve

a settlement, it is often desirable to conduct interviews in as informal a manner as possible. Indeed, there is a serious question whether the results of the interview should be admissible at all at a later stage, if settlement was the prime purpose. This dual function of the Commission's investigation creates a dilemma. The fruits of the investigation, which from one point of view should perhaps be privileged, are, from the other point of view, essential evidence where settlement is not achieved. — J.S.



The vast majority of cases in which The Ontario Human Rights Commission is called upon to prove discrimination fall into one of three categories:

1. Discrimination with respect to employment;
2. Discrimination with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted;
3. Discrimination with respect to the sale or rental of commercial or self-contained dwelling units.

There are three basic elements in the proof of a violation of the Code in these cases:

1. Proof that the Code applies to the

John Sopinka is a Toronto lawyer who has acted as Commission Counsel in cases which have gone before a Board of Inquiry. A partner in the firm of Fasken and Calvin, he received the LL.B. degree at the University of Toronto in 1958 and was called to the bar in 1960.

- respondent, i.e. that he is an employer, operates a place to which the public is customarily admitted or, if the case falls within category (3), that the unit is a commercial or self-contained dwelling unit;
2. Proof that there has been a denial, refusal or that the complainant has been treated differently from others;
3. Proof that the reason for the denial or differentiation is based on race, creed, colour, nationality, ancestry or place of origin of the complainant.

The first two elements are usually susceptible of direct evidence and occasion little difficulty in the way of proof. With respect to (1), if the jurisdiction of the tribunal is challenged, it would appear from the decision of the Supreme Court of Canada, in the case of *Bell v. Ontario Human Rights Commission* (1971), 18 D.L.R. (3d) 1, that this must be proved first before the inquiry proceeds. In the absence of a specific challenge as to jurisdiction, it can be proved during the course of the hearing. It is a physical fact that can be proved easily by direct evidence.

Similarly, the refusal or denial or differential treatment of the complainant can usually be proved through the direct evidence of the complainant.

The more difficult problem of proof with which this article is concerned is to show that the reason for denial, refusal or differentiation was based on race, creed, colour, nationality, ancestry or place of origin of the complainant, or to put it into popular language, that there was discrimination.

Discrimination is seldom susceptible of direct proof. A judge trying a divorce case once said that people do not commit adultery on a street corner. Neither do they openly admit discrimination by advising the prospective purchaser, tenant, employee, customer or guest that he is being refused because of race, creed, etc.

Discrimination must, therefore, be proved by circumstantial evidence, that is, it must be inferred from a series of circumstances from which the Board is asked to conclude that discrimination exists.

If the respondent is shown to have refused the complainant or differentiated on the basis of race, creed, etc., it is immaterial what the respondent's motive may have been. It is not material that the discriminator has no personal prejudice. Indeed, many respondents claim that they are personally not prejudiced but that the denial or differentiation is necessary because other tenants or customers would object. The best motive in the world, however, will not avail the respondent.

If, then, it is seldom possible to have direct evidence of discrimination, how is it established? It is submitted that a *prima facie* case of discrimination is established when there is a denial or differentiation and the reason advanced at the time of such refusal or differentiation is proved to be false. The reason given for the refusal having been shown to be false, the inference is that the real reason is based on race, creed, etc., unless the responder produces a satisfactory explanation which a spurious reason was initially given and satisfies the tribunal that the real reason is not based on race, creed, etc.

In proving discrimination, therefore, the reason initially given for the denial or differentiation assumes considerable importance. Accordingly, in the initial interview between the Human Rights Officer and the complainant, the conversations between the complainant and the respondent should be carefully recorded verbatim by the investigator. At that early stage the investigator should not discard any of the conversation as being irrelevant. What may appear irrelevant at that stage may become highly relevant when the respondent has been interviewed.

perhaps not until after the respondent has given evidence. The same applies to the Officer's interview with the respondent and her witnesses who may have been privy to the conversations between the complainant and the respondent. In cases in which discrimination in fact exists, the reason given for the denial or differentiation is spurious and almost invariably is hastily conceived. In the interval between the denial and the interview by the Human Rights Officer the respondent frequently casts his reasons for rejecting the complainant. The new reason should be carefully recorded and, if possible, a signed statement obtained. The respondent should also be asked to confirm, or otherwise, the original reason given to the complainant. If a signed statement is obtained, it should conclude with an assertion that it contains all of the respondent's evidence on the subject of the complaint.

If a signed statement cannot be obtained by the Officer, he should make careful notes of the interview, all of which should be carried into any report subsequently prepared. If part of the conversation is left out, it leaves the Officer open to the criticism that he has been selective. It also enables the respondent to add to what he has previously said, relying on the incompleteness of the Officer's report. In order to prevent this, in cases where the respondent will not sign a statement, he should be asked to read the report and acknowledge that it is a complete record of the interview. Such an acknowledgement should be recorded by the Officer. A respondent who will not sign a statement will usually consent to read the report and acknowledge its accuracy. If he does not, he cannot later complain that it is inaccurate or incomplete.

The falsity of the reason given to the complainant can be proved in many cases by independent evidence, as for instance evidence from a newspaper or the tenant of an apartment building that an apartment, said to be rented, was subsequently

advertised and available. In other cases, where the reason given is more subtle, it may be necessary to call the Human Rights Officer. For example, if the initial reason for refusal is that the respondent believed that the complainant had previously mis-conducted himself in the premises, it may not be sufficient to prove that the complainant had not. It is usually necessary to also negative the inference that the respondent made an honest mistake. Before a Board of Inquiry in which the respondent is not immune from testifying, it is preferable to refrain from calling the Officer until after the respondent has testified. Indeed, it may be possible to negative the inference of an honest mistake in the cross-examination of the respondent. In a prosecution, however, the accused may elect not to testify and therefore it is necessary to call the Officer before the case for the prosecution is closed. The Officer's testimony that the respondent assigned a different reason for the refusal after the event will cast sufficient doubt on the bona fides of the original reason given to the complainant to negative the inference of honest mistake.

Once the falsity of the reason for denial, refusal or differentiation is established, the stage is set for the respondent's explanation of his conduct. It is not difficult for a clever respondent to find what would have been a valid reason if given at the right time. There are any number of valid reasons for refusing to employ a person or to sell or rent premises to him. The proprietor of a hotel or restaurant is somewhat more restricted. The respondent's difficulty, however, is to explain why he did not give the "real reason" when the complainant presented himself. Even here, however, ready and plausible explanations are not hard to find — he may say that he did not wish to hurt the complainant's feelings by telling him that he appeared incompetent, untidy or insolvent. Due to the ready availability of explana-

tions, the task of the cross-examiner is to demonstrate that the explanation has been manufactured. The success or failure of the cross-examination will depend to a large extent on the thoroughness and careful recording of the Officer's interview with the respondent. The results of such an interview will be that the evidence of the respondent has been "tied down" and any departure from it at the hearing reflects adversely on the credibility of the respondent.

Frequently, counsel for the respondent will allow him to give evidence without asking for the Officer's report. The almost inevitable result is a marked departure from the respondent's previous statements and in many cases a new set of reasons for refusal. This may result in the existence of three separate reasons all advanced by the respondent:

- (a) the reason given to the complainant;
 - (b) the reason given to the Officer;
 - (c) the reason given in the witness box.
- This is usually sufficient to discredit any explanation offered.

During the cross-examination of the respondent it is necessary to confront him with his previous statements if he departs from them. If the respondent denies that he made the statements recorded by the Officer or quibbles with what was said, the Officer must be called as a witness to testify as to the conversation with the respondent. A contest thus develops over the accuracy of the Officer's recording of the interview. If the Officer has not been selective and has not been shown to be partisan either by his conduct in the investigation or in his demeanour in the witness box, the tribunal will have no hesitation in accepting his evidence.

Proving discrimination is a subtle art. In the final analysis, however, its success is dependent on the quality of the investigation. Due to the fact that much will depend on the credibility of the Human Rights Officer, it is as important that he be fair as it is that he be thorough.

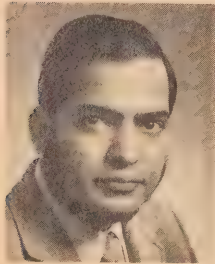
Employment Tests and Discrimination In the Hiring Of Minority Groups

By Dr. Harish C. Jain

Arbitrary test scores screen out a disproportionate percentage of minority group applicants in the face of a lack of demonstrated relationship of test scores to job performance.

Editor's Note: The author's extensive documentation which accompanied this article was omitted because of editorial policy. It is available, however, for any interested reader.

Introduction*



Recently there has been increasing recognition that employer hiring requirements are one of the key sources of discrimination against minority groups. Discrimination in employment can take the form

of restricting job opportunities open to minority groups or denying them promotion or equal pay for equal work. For instance, the requirement of a high school diploma¹ for many low-skilled jobs and the use of paper-and-pencil tests in screening employees may exclude workers with

Dr. Harish C. Jain is Assistant Professor in the Faculty of Business of McMaster University. He was previously a Research Consultant with the Canada Department of Labour, Director of Research for the Nova Scotia Department of Labour, and Research Assistant with the Federal Reserve Bank of Minneapolis. He has taught at Edgewood College, Mount Saint Vincent University and St. Bonaventure University. He has authored many articles on the subjects of manpower resources, organization theory and group behaviour, and industrial relations. He holds the Ph.D. degree from the University of Wisconsin in industrial relations.

*The author wishes to express thanks to Dr. Robert J. Hines, Dr. Harvey Silver and Professor D. W. Carment for their helpful comments on this study.

low levels of education or limited knowledge of English from jobs they could perform. This has implications for the underutilization of Canada's manpower resources. Erection of barriers in employment is incompatible with both the necessities of employers in particular and the goals of society in general. Exaggerated and inappropriate employment practices may be costly in terms of high turnover, dissatisfied workers, and self-imposed labour shortage by employers on the one hand, and are contrary to society's goal of full manpower usage, on the other.

Commenting on the subject of discrimination among women and minority groups,² the Economic Council of Canada recently stated:

Discrimination may also be inherent in recruitment practices based on arbitrary educational requirements not carefully related to the requirements of the job or which fail to take account of the skills and aptitudes of job applicants. . . . A re-examination of hiring practices and job specifications by governments and by business firms — in order to match skill levels of job applicants more closely to the whole spectrum of skill needs — would assist in reducing the economic costs of poverty . . ."³

¹In his book *Education and Jobs: The Great Training Robbery* (New York: Praeger Publishers, 1970), Ivar Berg is careful not to suggest that formal education is not important. He is concerned with the widespread use of formal education as a criterion for hiring which is simply regarded as self-evident by personnel managers, requiring no empirical confirmation. This practice ignores such factors as variations in educational quality, the importance of individual differences, experience, and on-the-job training.

²The minority groups in Canadian society include the Indians, Métis, Eskimos, the elderly, and the uneducated.

While discrimination in employment can take place at any one of the several steps in the hiring or selection process, ranging from screening interviews (a receptionist refusing to accept an application form) to final pre-employment interviews, the focus of this paper is discrimination in the use of psychological tests in the hiring of minority groups.

The plan of this paper is as follows: a definition of discrimination in the use of employment tests is provided, how tests discriminate against minority groups is discussed, recent legislative developments in the United States, Canada and Ontario in this regard are described, and finally suggestions for the non-discriminatory use of tests are provided.

Definition of Discrimination in Employment Tests

A definition of test discrimination is given by Guion. He made a distinction between fair and unfair test discrimination, pointing out that "unfair discrimination exists when persons with equal probabilities of success on the job have unequal probabilities of being hired for the job."⁴ Test discrimination refers to the way in which the test is used in making personnel decisions rather than to some property or characteristic of the test itself.

The major types of psychological tests most commonly used in employee selection are: intelligence (or mental ability), aptitude (potential ability), achievement (or knowledge), interest and personality. Standardized employment tests are used extensively in North America. Employers rely on tests to determine who will be hired, who will be promoted, and who will be assigned the most desirable job. More often tests are used to determine qualification; only persons achieving pre-determined minimum score are considered for employment or promotion.

How Tests Discriminate Against Minority Groups

In general, the purpose of testing is to measure those employee behaviours which are critical to job success. This relationship between test scores and standards of job performance is called the validity of the test.

Validity is highly specific in nature. A particular test may be valid for one objective

³Economic Council of Canada, *Sixth Annual Report* (Ottawa: The Queen's Printer, 1969).

⁴For a discussion of the selection process, see Harish C. Jain, "The Selection Process and Hiring of Engineer-Scientists", *The Canadian Personnel and Industrial Relations Journal* (October 1971) Vol. No. 5, pp. 23-28.

⁵Several other definitions, similar to Guion's, are provided by Anastasi and Kirpatrick, et al. See, Guion, "Employment Tests and Discriminatory Hiring", *Industrial Relations*, (1966), Vol. 5, pp. 20-21. Anastasi, *Psychological Testing*, (New York: Macmillan, 1968), 3rd edition, p. 559. J. J. Kirpatrick, R. B. Ewen, R. S. Barrett, and R. Katzell, *Testing and Fair Employment* (New York: New York University Press, 1968), p. 7.

and invalid for another. Moreover, the same test used by one employer and found to be valid for predicting future performance may not necessarily be valid for another employer even though the jobs might be similar. Therefore, one must determine degree of validity for oneself. This is because each employer has a somewhat differing set of objectives and conditions; the job, the candidate, and the environment have to be taken into account in determining the validity of a test. It is for this reason that relying upon the claims of others is dangerous.

Research studies have shown that there is little predisposition on the part of employers systematically to validate test scores in terms of job performance. Therefore, arbitrary test scores screen out a disproportionate percentage of minority group applicants in the face of a lack of demonstrated relationship of test scores to job performance.

Most of the present intelligence and aptitude tests are characterized by heavy emphasis on verbal ability, numerical ability, some aspects of spatial ability, and abstract reasoning. The assumption that these academically oriented skills are a prerequisite for satisfactory job performance. However, a great deal of research involving different kinds of workers fails to support this assumption. The consequence, again, is that minority group workers, i.e. the uneducated, culturally disadvantaged, are denied access to jobs they could perform.

Dr. Edwin Ghiselli, an eminent industrial psychologist, recently reviewed all the available data on the predictive power of standardized aptitude tests and concluded that in trades and occupations aptitude tests "do not well predict success in the actual job" and that in industrial occupations "the general picture is one of quite limited predictive power." In many situations, there is actually a negative relationship between test scores and job success. For instance, one study showed that in a large aluminum plant the Wonderlic test, which is probably the most widely used "general intelligence test" in industry, had no relationship to job performance. Blacks were scoring only half as well as whites on the test, but there was no difference between races on job performance. If the test had been routinely used, Blacks would have been screened out without business necessity.⁶

Even when tests are found of predictive value they generally account for only a small portion of the variance in job per-

formance, generally around fifteen to twenty percent. In other words, the average relationship between test scores and job performance is low enough that only a small part of an employee's job performance can be attributed to his relative position within the group of persons who take the test.⁷

The main point to be made here is that general intelligence tests are not highly predictive of performance in many types of work in business and industry. This is especially true of low-skilled jobs. This should not be surprising since industrial job performance consists of acts very different from those involved in taking tests, and occurs in a very different setting. Thus, the content of these tests is not related, by and large, to what people are required to do as workers on those jobs.

Cultural Bias in Tests

As a group, individuals from culturally disadvantaged backgrounds perform less well on standardized employment tests on the average than do applicants from middle class environments and consequently may be excluded from jobs. This is partly because a generalized aptitude test is necessarily measuring an applicant's background (the quality and extent of his past schooling and training) and environment (experience in his home, his community, etc.), but it is the disadvantaged group whose early background and environment is so often marked by cultural deprivation.⁸

In a study conducted by Turner and Penfold to assess the scholastic aptitude of the Indian children on the Caradoc Reserve, Muncey, Ontario (in which scholastic aptitude was defined to mean the capacity to attain the general education standards of white children) the researchers found that

as a group, and age for age, the Indian children of the Caradoc Reserve have a significantly lower scholastic aptitude than a comparable group of white children and they cannot be expected to equal the scholastic achievements of the white group at the present time, and that

differences in scholastic aptitude between the groups of Indian and white children are not attributable to race but rather to environmental differences. Some of the environmental factors which may be pertinent are language,

socio-economic status, traditional attitudes and other cultural characteristics.⁹

Recent evidence suggests that the same findings hold for minority group adults. Barrett, the principal investigator of an extensive study completed recently, concluded that tests favoured white, middle-class applicants, especially in their emphasis on an academic vocabulary and speed.¹⁰

A number of additional factors have been suggested to explain the test performance of minority groups. These include the following:

a) *Anxiety induced by the testing situation:* Anxiety may be induced by a feeling of inadequacy, an inadequate setting in terms of space, lighting and frequent interruptions.¹¹

b) *Improper interpretation of test scores:* the validity of the interpretation of tests is strongly dependent upon an adequate understanding of the social and cultural background of the group in question. Several errors in interpretation can occur. For instance, the deviation error — the tendency to infer maladjustment from responses which are deviant from the viewpoint of a majority culture, but which may be typical of a minority group; failure barriers — requiring minority group individuals to solve problems with unfamiliar tools.

c) *Lack of content relevance:* items contained in some aptitude tests contain no obvious relevance to the requirements of job performance. As the American Psychological Association task force indicates, "unless evidence of such relationship can be produced, there is no basis for rejecting low-scoring disadvantaged persons, for it may be that they can learn

⁶G. H. Turner and D. J. Penfold, "The Scholastic Aptitude of the Indian Children of the Caradoc Reserve", *Canadian Journal of Psychology*, 1952, 6, 31-44. Some of the psychological tests used by the researchers include the Otis and Henman-Nelson and the Raven Progressive Matrices. For other studies of Ontario Indians, see E. Jamieson, "The Mental Capacity of Southern Ontario Indians" (unpublished D. Paed. Thesis, University of Toronto, 1938), and E. E. M. Joblin, *The Education of the Indians of Western Ontario* (Toronto: Department of Educational Research, University of Toronto, Bulletin No. 13, 1947). Several other Canadian researchers have also investigated the impact of cultural and regional differences on the intelligence of minority groups. For instance, Burnett *et al.* investigated the performance of inhabitants of isolated communities in Newfoundland on intelligence tests and addressed themselves to the problem of intelligence in a restricted environment. See A. Burnett, H. D. Beach, and A. M. Sullivan, "Intelligence in a Restricted Environment", *Canadian Psychologist*, 1963, 4, 126-136. Also see, G. A. Ferguson, (McGill University), "On Learning and Human Ability", *Canadian Journal of Psychology*, 1954, 8, 95-112, and D. Sydiaba and J. Rempel (University of Saskatchewan), "Motivational and Attitude Characteristics of Indian School Children As Measured By The Thematic Apperception Test", *Canadian Psychologist*, 1964, 5, 139-148.

¹⁰R. S. Barrett, "Gray Areas in Black and White Testing", *Harvard Business Review* (1968), Vol. 46, pp. 92-5.

¹¹J. T. Rusmore, *Psychological Tests and Fair Employment: A Study of Employment Testing in the San Francisco Bay Area*, Fair Employment Practice Commission, State of California, (January, 1967).

see E. E. Ghiselli, *The Validity of Occupational Aptitude Tests* (New York: John Wiley and Sons, 1966). Also George Cooper and Richard B. Sobol, "Seniority and Testing Under Fair Employment Laws: A General Approach to Objective Criteria of Hiring and Promotion", *Harvard Law Review* (June 1969), Vol. 82, No. 8, pp. 1598-1679.

⁷William H. Enneis, *op. cit.*, p. 12.

⁸"Job Testing and the Disadvantaged: APA (American Psychological Association) Task Force on Employment Testing of Minority Groups", *American Psychologist* (July 1969), pp. 637-650.

the necessary skills and knowledge after being hired."¹²

d) *Unfairness of test content*: Many critics have charged that psychological tests are culturally loaded because of unfairness of test content. For instance, unfairness of test content has been suggested when identification of subtle distinctions in word meanings demands knowledge differentially available in various ethnic groups.¹³

Having examined the discriminatory potential of tests, let us take a look at the legislation in the United States, Canada and Ontario in this regard.

Legislative Developments in the United States

The fair employment legislation, particularly the Civil Rights Act of 1964, is designed to ensure equal employment opportunity; prohibitions against discrimination in employment based on race, colour, religion, national origin, sex, and age constitute the main provisions of this legislation. The Equal Employment Opportunity Commission (EEOC) implements the prohibitions against the provisions of Title VII of the Civil Rights Act. A considerable amount of EEOC's activity has been related to the use of tests in the employment process. Approximately 20 percent of the complaints it receives concern the use of tests in unfair discrimination.

The EEOC has issued detailed guidelines which outline the compliance procedures required of employers. The jurisdiction of EEOC covers all occupational

categories, including blue-collar, clerical, technical and managerial personnel.¹⁴ In addition, for employers operating under federal contract, essentially the same requirements apply under the provisions of Presidential Executive Orders. The Presidential directives require employers to take affirmative action to ensure equal employment opportunity. Federal contractors are required to use numerical goals and timetables for boosting minority employment, as in the case of the Philadelphia Plan. The legality of this plan has recently been upheld in the U.S. Supreme Court.¹⁵

The guidelines have two major thrusts. First, they require that all procedures in hiring and promotion show a demonstrable relationship to critical job-success criteria. Second, the employer must show that the validation procedure used does not differentially reject applicants solely because of subgroup membership.

The basic intent of these guidelines has been reinforced by the 1971 U.S. Supreme Court ruling *Griggs v. Duke Power Company*.¹⁶ The Court ruled unanimously that employers may not use tests and other procedures that are "neutral on their face . . . if they operate to freeze the status quo of prior discriminatory practices."

The case in which the ruling was made involved an employer who instituted a policy, after passage of the Civil Rights Act, that persons wanting placement in any but its labour department must obtain satisfactory scores on an intelligence and a mechanical aptitude test given by the company. Neither test, the Court said, was intended to measure the ability to learn to do a particular job or category of jobs. Moreover, requisite scores were set so high that they would screen out about half of all the United States high school graduates.

Any test given by employers as a condition of employment or promotion must not operate as a "built-in headwind" for minority groups and must also have a demonstrable relationship to job performance, the Court said.

"Congress has not commanded that less qualified be preferred over the better qualified simply because of minority origins", Chief Justice Burger stated. He observed that rather than disparaging job qualifications as such, Congress has made these the controlling factors so that race, religion, nationality and sex become irrelevant. Employers' tests must measure the

person for the job and not the person in the abstract, the Chief Justice said.

It is interesting to note that the United States Training and Employment Service of the Manpower Administration, Department of Labor, has recently announced the completion of a Nonreading Aptitude Test Battery to be administered to disadvantaged clients by the Counsellors at the State Employment Services across the U.S. "The purpose of the battery is to test the occupational aptitudes of people who do poorly on standard vocational aptitude tests because of reading difficulties, or who cannot take such tests because they are unable to read at all. . . . It will also help break down discriminatory barriers in employment because it will uncover an individual's capabilities regardless of his lack of experience, education, or skill training."¹⁷

Fair Employment Practices Legislation in Canada and Ontario

Fair employment practices Acts in all Canadian jurisdictions prohibit discrimination in hiring and conditions of employment and in trade union membership on grounds of race, colour, religion or national origin. A special Act to prevent discrimination in employment on grounds of sex or marital status is in effect in Ontario. Fair employment practices provisions form part of the human rights Acts of several provinces including Ontario.¹⁸

The Ontario Human Rights Commission administers the provisions of the Human Rights Code.¹⁹ The Commission investigates, along with other areas of discrimination, complaints concerning discrimination in hiring and conditions of employment and in trade union membership. The Commission has shown an increasing concern with the problems of employment tests.

Suggestions

In view of the evidence presented earlier regarding discrimination in testing, the following suggestions are offered:

1. The Ontario Human Rights Commission should consider launching an information program stressing the need for employers to review their hiring requirements, especially with regard to employment tests, in terms of job performance needs. More specifically, such an information campaign should advocate to the

(continued on page 1)

¹² "Job Testing and the Disadvantaged: APA Task Force on Employment Testing of Minority Groups", *op. cit.*

¹³ For instance, among the questions on the Wonderlic tests, mentioned above, are the following:

11. ADOPT ADEPT — Do these words have
 1. similar meanings,
 2. contradictory,
 3. mean neither same nor opposite?
19. REFLECT REFLEX — Do these words have
 1. similar meanings,
 2. contradictory,
 3. mean neither same nor opposite?
24. The hours of daylight and darkness in SEPTEMBER are nearest equal to the hours of daylight in
 1. June,
 2. March,
 3. May,
 4. November.

E. Wonderlic, Wonderlic Personnel Test Form 1 (1959).

All of these are from the first half of the test. Since the Wonderlic is structured so that questions become progressively more difficult, these should be relatively easy. Yet the ability to answer such questions is obviously related to formal schooling and cultural background. The vocabulary questions call for an appreciation of subtle differences in word meaning and parts of speech. Question 19 is particularly obscure, but fairly indicates something of the level of difficulty of the examination. "Reflect", a verb, ("to bend or throw back" says Webster) and "reflex", as an adjective, ("turned, bent or reflected back" says Webster) have similar meanings in one sense. But in the sense that it is inaccurate to equate meanings of different parts of speech, they mean "neither same nor opposite". Question 24 regarding hours of daylight cannot be answered reliably without knowledge of the vernal equinox. The correct answer is March, which is the month of the vernal equinox and has approximately the same daylight as September, the month of the autumnal equinox. Based on George Cooper and Richard B. Sobol, *op. cit.*

¹⁴ This material is based on conversations with Mr. Peter C. Robertson, Miss Werner and Dr. William H. Enneis of the Equal Employment Opportunity Commission, in Washington, D.C.

¹⁵ See *News* (Washington, D.C.: Office of Information, U.S. Department of Labor), a weekly news release.

¹⁶ Willie S. Griggs *et al.*, *Petitioners v. Duke Power Company*, *Supreme Court of the United States*, No. 124, October Term, 1970.

¹⁷ Patricia Marshall, "Test Without Reading", *Manpower*, (May 1971), pp. 7-12.

¹⁸ *Labour Standards in Canada December 1970* (Ottawa: Information Canada, December 1970), prepared by the Legislative Research Branch of the Canadian Department of Labour.

¹⁹ The Commission also administers the Age Discrimination Act which prohibits discrimination against any person between the ages of 40 and 65 in employment because of age.

COMMISSION ROUNDUP

While top level changes proceed (see above), the work of the Commission is on at an accelerated pace to meet the demands made upon it.

Those demands are felt to include a possibility to the other, and newer, Canadian jurisdictions. Hence the Commission hosted the fourth Workshop of Canadian Administrators of Human Rights Legislation on March 17 to 19, 1971, as it had hosted the first one in 1966. In welcoming the delegates, the then Minister of Labour, the Hon. Gordon Carton, Q.C., noted the presence of four members of the International Association of Official Human Rights Agencies from the United States and the fact that successive Ontario human rights bodies have been active members of the Association for 20 years. On behalf of the government, the Minister assured that it will "continue to protect our citizens through sound human rights legislation". He viewed the Ontario Human Rights Code as "a set of inviolable principles to be practised and lived from day to day for all of us; not just because the law requires it, but because enlightened social behaviour demands it."

The then Minister of Labour spoke to Fisherville Junior High School in Inowdale on the occasion of Human Rights Day. He was accompanied by Commission Chairman Daniel G. Hill (see photograph on this page).

Since the last issue, the Minister has received three major deputations who presented briefs concerning the Commission. The brief of the Ontario Federation of Labour urged various measures to effect meaningful human rights. The suggested measures were in the area of accessibility to government services, housing policy, employment, revamped administration of Indian affairs, amendments to the Code regarding the human rights practices of businesses and unions, provision for corporate, in addition to individual, complaints, and the inclusion of sex discrimination in the Code. The last recommendation was also made in the brief submitted by the Women's Coalition, which represents 55 organizations. The Ontario Black Coalition, through its Committee for Human Rights, presented a brief recommending a number of legislative changes.

The Commission's community action work was notable, in the period since the issue of *Human Relations*, for the implementation of the recommendations made in the article in that issue on the International Year for Action to Combat Racism and Racial Discrimination. At the

instigation of the Commission, the city councils of the following cities passed a declaration notifying their citizens that 1971 was International Year and urging them to take appropriate action: Ottawa, St. Catharines, Kitchener, Waterloo, Barrie, Sudbury, North Bay, Iroquois Falls, and in Metro Toronto, the Boroughs of North York and Scarborough.

In connection with the International Year, the United Nations Association was particularly busy and the Commission was involved with several of its activities. Commission Director McPhee spoke to the Quebec City and Niagara Falls Chapters and a human rights officer from the Ottawa regional office attended a conference at Queen's University, Kingston, under the auspices of the Eastern Ontario High School Students Chapter of the UNA. The Thunder Bay regional office cooperated with the local UNA chapter and the Black Heritage Club in staging a symposium.

Community action work is of crucial importance in the north. A second Ontario Provincial Police-Indian Communities Liaison Committee was formed for the OPP's Sudbury district and held a meeting on the Manitoulin Island Indian Reserve. The Algoma District Committee has held several more meetings since the initial one reported in the last issue.

In addition to the continuing combined efforts of the Commission and the Employment Standards Branch on behalf of northern Indian employment conditions, the Thunder Bay office's Ojibwa-speaking officer has launched an Indian employment project. He determines which Indians are qualified to work for contractors with Ontario Government contracts, and then meets with the contractors to present the names and qualifications of the job applicants. He also arranges job training through the Industrial Training Branch of the Ontario Department of Labour and through the federal Manpower Centre.

Employment conditions of one distinctively northern group, Indian guides, was the subject of an important meeting in Thunder Bay in November when 21 representatives of guides from all parts of the north met with the Executive Director of the Department of Labour's Manpower Services Division, the Directors of the Commission, the Employment Standards Branch and the Industrial Training Branch, and representatives of the Canadian Civil Liberties Association, the Thunder Bay Labour Council and that city's Indian Friendship Centre. The meeting agreed to form a committee to review

the legislation administered by the three branches as it applies to Indian guides in the light of the grievances they presented. The committee met for the first time early in January.

The northern office of the Commission gives one segment of a course at Confederation College in Thunder Bay and Kenora which teaches Indians business administration. In that segment the students are informed about the Commission and its work.

To expedite the volume of work in the north, a sub-regional office was opened during July in Kenora. Besides handling formal and informal complaints, the officer engages in community consultations and educational programs, travelling to Dryden, Vermilion Bay, Fort Frances, Red Lake, and local Indian reserves and communities.

An advertising program tailored to the needs of northern Indians was initiated during the summer of 1971. It sought to protect Indians against unfair employment practices in particular. Advertisements have been inserted in 17 local newspapers as well as Indian newspapers and spot announcements were carried on local radio stations and on all radio broadcasts beamed to the north. An Ojibwa translation of the radio message was used as well.

The Commission's work with police is not limited to the OPP. The Regional Supervisor of the northern regional office addressed the Thunder Bay Police Association (see photograph on next page). The Ottawa office participates in RCMP community relations training programs for senior police officers. The emphasis is on human rights legislation and the related work of the Commission.

A good part of the day-in, day-out community work of the Commission is carried on by the storefront office in Toronto, Services for Working People.



Its Administrator, Milton Little, participated in a discussion on CBC radio on the subject of the office, its functions and effects on the community it serves.

Making the Province's young people aware of human rights and the Commission was the object of a competition for a Commission logo open to all public and high school students. Entries, from art classes and art schools in particular, totalled 1,021 from 223 entrants. The winner of the prize was Marilee Duce, a grade 10 art student at Hamilton's Westmount Secondary School. Her logo is reproduced on the cover.

At the head office in Toronto, the Commission moved into a new building along with all branches of the Department of Labour. The address is 400 University Avenue. The Commission's Chairman, Dr. Daniel G. Hill, attended the annual convention of the International Association of Official Human Rights Agencies in St. Paul, Minnesota. He is the only Canadian member of its executive committee, and was chairman of the credentials committee for the many new human rights jurisdictions attending the convention. He has since been elected for a two-year period as the Canadian representative on the IAOHRA.

The period since the last issue has seen much activity in the area of Boards of Inquiry. The most publicized case, stemming from the complaints of three employees of Asian origin against a department of the City of Toronto, is headed for a fourth hearing at the time of going to press. Among Boards of Inquiry closed, in six cases the Chairman's report upheld the fact that discrimination had taken place, in one case the parties reached a settlement, and one case was dismissed. Two prosecutions are pending.*

The research function of the Commission, treated at length elsewhere in this issue, has another aspect: staff research for internal use. Three human rights officers studied, and wrote reports on, respectively, Toronto's Chinese community, East Indian community, and Filipino community. The one on the Chinese community is very thorough: interviewed several hundred people, both in Toronto and outside it.

Research was also the function assigned to five college students hired for the summer and given a particular ethnic group in a specific locality to investigate. The groups were the Greek and Korean communities in Toronto, the French-Canadian community in Ottawa's Lower Town, the Portuguese-Black situation in downtown Toronto and the Black community in Hamilton. The reports thus produced help



the Commission in its casework and community action work. Though these reports are for internal use, it is expected that an overall report of general interest will be prepared and made available to the public in the Commission's reference library.

The casework function of the Commission, pursued as it is every day of the year, still holds surprises, or at least cases of a particularly revelatory nature. One such case illustrates that good intentions alone are not enough — empathy and sheer education are also required. The case began with a newspaper advertisement: "The township of . . . requires an Indian chief to participate in 150th Anniversary celebrations . . . Knowledge of Indian history, folklore and crafts an asset . . . should have own regalia . . . be an outgoing personality." The expressions might seem innocuous at first glance if one were unaware of the viewpoint of the native Indian community in such matters, and of the sensitivity of minority groups in general. The Union of Ontario Indians felt that the advertisement represented a desire to portray the Indian as "some sort of oddity". Moreover, since a "chief" is an elected head, it was like advertising for a mayor who has his own chain of office. The UOI also noted that the advertisement was reverse discrimination which still contravenes the regulations for employment advertisements under the Ontario Human Rights Code; the UOI suggested that an approach to an Indian organization would have been the correct alternative.

The Commission took the UOI's complaint and brought the township manager together with the complainant. The former explained that their intentions had been of the best, to honour the township's earliest residents and to "show respect for both cultures"; he granted the bad taste of the advertisement. To fulfill the original objective, he requested the UOI to seek someone who would work with him to express, during the celebration, "a binding of the two communities". He also asked the Commission to meet with his top personnel in an educative effort. Complete cooperation was given to the Commission by both the township and the UOI, and

ultimately all parties were satisfied by the conciliation of this case.

A notable case contravening the Age Discrimination Act illustrates how easily this can happen at a lower level of a company and it demonstrates how a socially conscious company can remedy the mistake. A 61-year-old complainant told the Commission he had phoned a large personnel agency which advertised a bookkeeping job, but was told the actual supervisor of the client firm wanted a "young kid". Commission officers confirmed, in an interview with the agency, that the supervisor was 21 and would not accept an older person under her. The human rights officer pointed out that the agency cannot, under law, reject an applicant because of age but must refer him if he is qualified. It is up to the client to violate the law and face the consequences. The agency still refused to annoy the client by revealing the company's identity and the risk losing their business.

In a subsequent interview it was learned that the young supervisor had hired the 18-year-old man found via other channels. The human rights officer pointed out the agency's responsibility to inform clients of the provisions of the Age Discrimination Act. The agency admitted they had made a mistake and, in settlement, offered to interview the complainant and treat him the same as any other applicant. The agency also sent written assurances of adherence to the Age Discrimination Act to the Commission, as well as a copy of a memo to their staff. They also agreed to be more firm with their clients.

There remained the identity of the client to be revealed. The officers explained that the Commission has a responsibility to educate employers unaware of the Age Discrimination Act and the Code, that the Commission's investigative procedures require the documentation of all evidence gathered, and that, if it came to that, such documents can be subpoenaed in a public inquiry. The agency provided the client's name. At the client's office, the young supervisor was away and the company manager was unaware that she had exceeded the specified age. The manager called the Commission, said there might be another bookkeeping position open shortly and that they would like to interview the complainant. They did so and he eventually obtained the job. The Company also sent a written apology for contravening the Age Discrimination Act and gave assurances of adherence to it. The Commission wrote applauding the company's positive and socially enlightened actions.

A new departure in Commission publication policy was marked by the appearance of a booklet entitled "A Black Pictorial History of Blacks in Nineteenth Century Ontario". It is the first of a p

*Since statistics on case work are now computerized on a fiscal year basis, the 1971-1972 totals will be given in the next issue.

series on different minority groups is intended to enhance the personal identity of young members of these groups to make others aware of the group's contribution to the community.

The Commission's concern with human rights extends to other government bodies which deal with aspects of human rights related to them for administrative efficiency. The Women's Bureau in the Department of Labour deals with sex discrimination in employment. *Human Relations* is it is appropriate to take note, here, of the first Board of Inquiry held under the Women's Equal Employment Opportunity Act, which the Women's Bureau ministers. The case concerned a complaint by a worker at a large electronics company that she was compelled to take maternity leave earlier than six weeks before the expected birth, as provided for in the Act, and that she was still able to perform her job at that time. A settlement was reached before the hearing began and the Chairman of the Board of Inquiry, Professor H. W. Arthurs of Osgoode Hall Law School, accepted it. The complainant was awarded \$603.20 before deductions.

Letters

The following is a condensed version of a letter commenting on the Elkin Report, by a black Trinidadian playwright living in Canada.

Dear Dr. Hill:

I am happy to comment on the Elkin Report and thank you for sending me a copy . . .

[At first] I was skeptical when I saw the limited frame of reference. My skepticism increased when I realized that a white professor would conduct it, both because it was a professor and a white one. Generally, I find white people understand nothing about the problems of visible minorities. The more educated they are, the less understanding they bring to the problems. [But] although I bring a range of mixed reactions to the findings, they are definitely more positive than negative.

[I find that Dr. Elkin has approached the topic with perspective that is generally brilliant. The first excellent point he makes is his view that the problem is more than provincial or regional in scope. The second is the unique insight he brings to the psychological and cultural implications of advertising, broadening it beyond a mere economic activity, seeing the psychological benefits or damages it holds visually for visible minorities. . . . Very few white hands are capable of seeing or understanding this.

Employment Tests

(continued from page 16)

employers the following points:

a) That job descriptions should be examined in order to establish critical requirements before tests are selected for screening applicants.

b) Test scores should be considered as only one source of information and should be combined with other available data through such selection devices as interviews, biographical information, reference checks, etc. This is because no practical statistical method exists for appropriately combining such data so that one could obtain a single numerical index or decision rule.

c) Tests themselves should be validated as to their relevance to the specific job, within the setting where they will be used.

d) There should be retesting of applicants from culturally disadvantaged background who do not meet the minimum scores on their first try, since

these people are less familiar with testing situations and may not perform as well as they are able. In addition, minimum cut-off scores should not be rigidly applied without consideration of an applicant's other qualifications, as suggested above.

2. Another means by which the Ontario Human Rights Commission can undertake to loosen irrelevant test standards, especially by large employers, is to offer to sponsor the costs of studies in validating employment tests for minority groups. It is likely that the most persuasive argument to an employer is one which shows that his employment standards are not only irrelevant, but that they also result in dissatisfied workers, high turnover, and loss of output.

3. The Commission should also assist in launching intra-company studies where minority group workers are employed. The objective of these studies will be to develop objective, easily administered and culture-free tests. Other objectives could include identifying those occupations where these workers are performing productive roles.

The manner in which Dr. Elkin apparently stayed within the framework of the inquiry, but in fact . . . broadened it is to be admired. . . . The research on which he bases his report, his sample surveys, the parallel examples and comparisons with the American situation, and his relating and applying his insights to the Canadian situation are superb. He has seen through, with a fine clarity, embarrassing for whites, the smoke-screen of lies, glib rationalization and the pseudo-scientific jargon which white advertising people use to hide their racism, conscious or unconscious. I admire [his] honesty, sincerity and relentless academic integrity. . . . The concrete and constructive recommendations are excellent. The ball is now in the government's court. But of course they never return the serve.

On the negative side, I think that, in his view of Canadian society, he rather too naively proceeds on assumptions of stated ideals of racial equality. . . . "Should" is a far cry from "is" in the workings of human nature. The same white government leaders who frame anti-racist legislation are sometimes the first white people to discriminate against minorities in Ontario. He caught a glimpse of this in his reference to advertising by government agencies.

[I think he] should have insisted on a broader framework. There is an obvious umbilical link between mass media adver-

tising and the general field of performing arts.

I may be wrong about this, but throughout the findings, I kept drawing the inference that the problem of mass media discrimination is linked with the problem of acculturation in its broadest sense, that is the problem of visible minorities co-existing with white majorities. For Blacks this has created a special problem. We have a high racial visibility and low cultural visibility because of the attitude of our white environment. If we want to correct our aesthetic blankness, we must see this as a special black need. We hardly ever see signs of black culture. As my friends tell me, "Is what you see, is what you got". We don't see our culture, hence we are automatically in a situation of implied inferiority. . . . How then can Dr. Elkin say that fundamentally the case is the same for all minorities? You can find Chinese, Japanese, Indians and Eskimos talking their own language and practising their own religion. Can you find one black man . . . talking an African language or practicing an African religion? Clearly Blacks have special cultural needs and require outlets to express those needs or we shall not survive.

Dr. Elkin is wrong when he says a Black may play Othello, but to play Juliet could divert the audience "from the major line of thought". As a dramatist . . . I can say this is completely wrong. The major

line of characterization in Juliet is not the fact that she is a white Italian but that she is a fourteen-year-old pretty virgin in love with a man for the first time. . . . Her colour has nothing to do with it. . . . We are dealing with universals here. We should not be fooled by racist producers and directors.

Two advertising executives during the hearings insulted the whole black community. [One of them] said in essence that blacks from tropical countries were lazy racially.

No one corrected him on his racially stone-age stand. [Such a man might] go to work at the C.B.C. as a producer or director. . . . There are many such people already working at the C.B.C.

Could you not insure that your news release people try to persuade the general news media to report findings such as these more accurately. The C.B.C. radio program "World at Six" at 6:00 p.m. on November 3rd said

There is discrimination in the mass media in advertising, but the report says

there is little that can be done about. In fact the report said just the opposite.

I congratulate Dr. Elkin on his report. I think it should be made part of the educational curriculum in high schools and universities, especially where the more uneducated part of the population can be found — uneducated on racial matters, also congratulate you on the fine inquiry although we may disagree in the future on other issues.

Sincerely,
Lennox Brown.



Annual Staff Meeting

The annual staff meeting resulted in a rare occasion when all the Commission's professional staff were together from their far-flung home bases. Beginning with Chairman Dr. Daniel G. Hill, at the head of the table, and going clockwise, they are: George A. Brown, Robert W. McPhee, Jerry Meadows, Mark Nakamura, Milton Little, Cuyler Cotton, Susan Misiewicz, Harold Attin, Sandra Aiken, Anna Whitley, Willie John (partly hidden), Bruce Lenton, Silvilyn Holt, Sita Ramanujam, Michael Walker, Ian Hunter, Florette Osborne (hidden), Jo-Anne Jenkins.

To give equal visibility to the other side of the conference table, we print the photograph on the right, which begins with Bruce Lenton.



HUMAN RELATIONS



PUBLISHED BY
THE ONTARIO HUMAN RIGHTS COMMISSION



Vol. 13 No. 21 August, 1973



ON

COMMUNITY PROBLEM-SOLVING:
GROWING COMMISSION FUNCTION

HUMAN RELATIONS

Vol. 13

August, 1973

No. 21

Published by the
ONTARIO HUMAN RIGHTS COMMISSION

Commissioners:

Daniel G. Hill, *Chairman*
Lita-Rose Betcherman
Valerie Kasurak
Gordon Greenaway
Walter Currie

Director

Robert W. McPhee

Commission Offices:

400 University Avenue
Toronto M7A 1V1
500 Ouellette Avenue
Windsor N9A 1B3
2197 Riverside Drive
Ottawa K1H 7X3
235 Bay Street
Thunder Bay P7B 1R4
362 Dundas Street
London N6B 1V8
1 West Avenue S.
Hamilton L8N 2R9
1538 LaSalle Blvd.
Sudbury P3A 1Z7
808 Robertson Street
Kenora

TABLE OF CONTENTS

- 3 Changing Times in Intergroup Relations in Ontario
- 7 The Dynamics of Community Work in Human Rights: A Sociological Analysis
- 12 Community Problem-Solving Projects of the Ontario Human Rights Commission
- 19 Commission Roundup: General Activities
- 22 Commissioners' Activities

Articles by outside authorities, who are not on the Commission staff, express the opinions of the writer and do not necessarily represent Commission policy or thinking.

Subscriptions to *Human Relations* are available gratis upon request. Articles may be reprinted upon receipt of permission. All communications and comments should be addressed to Harold B. Attin, Special Projects Officer, at the Toronto office.



Ministry of
Labour

Ontario

HON. FERN GUINDON
Minister of Labour

R. D. JOHNSTON
Deputy Minister

Car card for buses and subway



Togetherness.

We're all for it.

That's why community problem solving is one of the major roles of your Ontario Human Rights Commission. We help to break down communication barriers between groups, explain to immigrants and native-born minorities both their rights and responsibilities as citizens, and encourage understanding for the other's point of view. In short, we try to solve problems *before* they become problems.

The Ontario Human Rights Code protects you from discrimination on the basis of race, religion, nationality, age, sex and marital status.



Ministry of
Labour

Ontario
Human Rights Commission

Changing Times in Intergroup Relations in Ontario

By Robert W. McPhee

The Commission's community problem-solving function is a response to new social forces. At a turning point in Ontario's intergroup relations situation, our liberal convictions will face a greater challenge than ever before.



That the organ of the Ontario Human Rights Commission, *Human Relations*, should devote an issue to its community work is of the greatest significance. It marks the coming-of-age of a Commission function which was previously regarded as a subsidiary role. *What has effected the expansion of community problem-solving is the changing times.*

In thinking about the changing times, three quotations come to my mind as providing the overarching framework in which the changing times should be regarded. One quotation is from John Donne:

"No man is an Island, intire of itselfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or of thine own were. Any mans death diminishes me, because I am involved in Mankinde. And therefore never send to know for whom the bell tolls. It tolls for thee."

The second quotation is from one of the Fathers of Confederation, Georges Etienne Cartier, who said in 1867:

"In our Confederation there will be Catholics and Protestants, English and French, Irish and Scotch, and each by his efforts and his success will add to the prosperity, the power and the glory of Confederation. We are of different races not for strife, but to work together for our own Common welfare."

And finally, I think of the words of an Irish immigrant who became another Father of Confederation, D'Arcy

McGee. In calling on his new countrymen to "rise above all low limitations and narrow circumscriptions," he said:

"We now live in a land of religious and civil liberty. All we have to do is, each for himself, to keep down dissensions which can only widen, impoverish and keep back our country; . . . to cultivate that true catholicity of spirit which embraces all creeds and all races in order to make our province, so rich in known and unknown resources, a great new northern nation."

The quotation from Donne is relevant because intergroup relations in Canada, in our province, cannot be seen as simply a local or internal matter. Rather, of necessity, it must be interpreted in a world sense because many minorities here feel that no matter what progress is made internally in Canada, they cannot be fully "free" until their brothers are "free" throughout the world—thus no man and no nation is an island.

When Cartier spoke, he was thinking of a mix of Protestants, Catholics, English, French, Irish and Scottish. There are now people here representative of nations, creeds, and colours too numerous to list.

Because then we are a multi-cultural society set in a world in which race relations are often in a turmoil, D'Arcy McGee's point that we must "keep down dissensions which can only widen, impoverish and keep back our country" is of great significance to us.

In Ontario today, intergroup relations have reached a turning point. We are facing new problems which have only manifested themselves in the last several years. Indeed we have only begun to recognize the implications of this turning point for our society. Since 1962, the Commission, which was formed that year, has followed the mandate given it by the Legislature to ensure equal opportunity for all through a program of complaint handling and public education. The complaint handling process was predicated on a philosophy which set aside questions of guilt or innocence and appealed to the Ontario citizenry to do the generous and right thing demanded by enlightened behaviour under the philosophical framework of the United Nations Declaration of Human Rights.

This approach, all the signs indicate, has worked well over this last decade. We have had 4,000 formal and informal cases and of these, only 84 have led to the appointment of a public Board of Inquiry because they could not be conciliated in a confidential manner. Of the 84, five went to the courts of this Province.

During most of the last 11 years, minority group members in Ontario, by and large, saw themselves as individuals who were eager to enter the dominant cultural mainstream; hence solving their problems as individuals usually satisfied them. But as the Commission's second decade begins, significant developments here and elsewhere are occurring and are having their effect in Ontario.

In Ontario our population is increasingly becoming a collection of minorities rather than a society characterized by a dominant majority with almost invisible small minorities. We now have a radically altered social composition resulting from increasing and cumulative immigration and this has contributed to changing expectations and aspirations among the minorities.

To take Toronto as an example of the changed social composition, an overall statistical survey, mixing ethnic and religious minorities, shows that the total population of Metropolitan Toronto, native born and immigrant, is 54% of British origin, 7% Slavic, 10% Italian, 5% Jewish and 24% other.

The rate of urbanization of our native Indian peoples is increasing, bringing to the fore the long-term discrimination from which they have suffered.

Immigration will doubtless continue, with well educated, visible minority individuals composing a part of the new immigrants. They will tend to arrive with job expectations higher than many immigrants had in recent decades. And because they will have the skills and higher expectations, they will severely test our commitment to equal opportunity.

Alongside the altered social composition, many other changing social forces are affecting the social context in which the Commission does its work.

Polarization and militancy have characterized race relations in many parts of the world, particularly the United States, and the social consequences have spilled over into Ontario. The result has been a certain erosion of the middle position in race relations in this Province; this is a matter of considerable concern to the Commission

because we have traditionally occupied that middle position and believe in its continuing value.

What form has this spill-over taken in Ontario? One aspect is the rise of group consciousness. Human rights problems are now often presented to the Commission on a group basis, whereas formerly one individual brought his own complaint. Minority groups today are more self-conscious and cohesive and are seeking to find their collective place, and a roomy place, in the total society. Both our federal and provincial governments have recognized the concept of multiculturalism.

We now have for example, vigorous organizations such as the Asian Council of Toronto, the National Black Coalition and the Union of Ontario Indians. These and many other organizations are representative of groups that expect and desire to retain their ethnic or racial identity while participating fully in the social and economic mainstream. The old formal acceptance of a gradual erosion of the ancestral culture in favour of the dominant culture is being strongly questioned today.

Accompanying increased group awareness is more likelihood of group frictions and confrontations in residential neighbourhoods, schools and even places of business. If these become bad, homogeneous ghettos can form; this would of course be extremely undesirable. A second corollary is the possibility of increasing job competition between white immigrants and visible minority immigrants. I should point out that in Ontario discrimination is also multi-directional—that is, members of most cultural groups are represented in the columns of those who do the discriminating although, in the main, the victims are members of visible minorities.

The former rational approach to minority problems, which gave the Commission a leading position in the resolution of those problems, is being tested as never before. The atmosphere in individual complaint cases is changing too. In the last three years there has been a less conciliatory attitude evidenced by people or corporations who were the objects of complaints. Some are taking a more rigid, legalistic posture. This in turn has led to a matching hardening of the attitude of complainants. Both sides are becoming less receptive to our conciliation approach.

Canadian nationalism is a new factor as well which affects intergroup relations today. It expresses itself in a certain hostility to Americans, notably in the hiring of college teaching staff.

Still another factor pertains to intra-Canadian migration, and takes the form of discrimination against Maritimers, both Blacks and whites.

The relations between the police forces in the Province and visible minority groups are growing problems. Mutual lack of understanding results in abrasive contacts and charges of arbitrary police action and harassment. The Commission has involved itself in this problem both in extent and in depth. For example, we have encouraged the formation of Ontario Provincial Police-Indian Communities Liaison Committees and we conduct several educational programs with all levels in the Metro Toronto Police Department.



In summary, these new social forces are engendering active bigotry and nurturing latent bigotry. Perhaps I can best illustrate this by citing a recent example of public bigotry and another example of the kind of response this type of bigotry provokes in minority groups.

If one called a particular telephone number in Toronto, one heard the following recorded message:

"Race is the predominant issue of our time. Race, not economics or environment. Not to face the racial crisis now confronting Canada and the rest of the planet amounts to treason against all the people of all races. Many laws, statutes, organizations have been created, financed and staffed by government and private groups to uphold the false ideas of racial equality.

The results of liberal and Marxist brainwashing through the educational system, the media, the entertainment are bearing bitter fruits. Today the western world is overrun by swarms of people coming both legally and illegally from the seething slums of the Third World. All are taxing our welfare and job-producing agencies to the limit and beyond.

Inter-racial sex and inter-racial marriages are on the increase and pro-Black propaganda on television, wherein the white race is belittled and made to appear evil through a twisting of history, is the order of the day. And yet the liberal Marxist establishment forces this suicide on our civilization and adds insult to injury by branding its healthy element as the law-breaker, if it attempts to alert the people of the dangers at hand. No political party in Canada has ever included race as the most important feature of its immigration policy. The Western Guard Party is proud to set out its immigration policy as follows:

1. Stop all coloured immigration immediately no matter under what pretext it is currently allowed.
2. Initiate a government-supported program of repatriation of non-white people, including landed citizens and those who came to Canada legally or illegally, to countries or areas where their own races are in the majority.
3. Create a Ministry of Cultural Affairs whose job it will be to educate the public through pamphlets, books, films, seminars, school curriculum on the importance of race and civilization.
4. Change marriage laws to guarantee only marriages of the same or similar racial stocks.
5. Create special ministries for our own native population. Allow them to self-administer their reserves in areas completely free of white influence except foreign policy, finance and defence.
6. Create steps to improve the health of the present white population of Canada through programs of exercise, physical labour, sound nutrition, and labour in the service of Canada.
7. Draft all males and females at the age of eighteen for a one-year period to work on community projects.

Those wishing further information on the Western Guard Party mail to . . .

Thank you for calling White Power."

This kind of irresponsible bigotry called forth an equally irresponsible answer from some elements in minority groups, which organized for their own "defence." A "Black Self-Defence Force", a coalition of Black organizations, published a broadsheet warning of future attacks by the extreme right and urging Blacks to be prepared to defend themselves. It listed a number of do's and don'ts which would have produced an obsessive fear in anyone who accepted and practiced them *in toto*.

One should not place too much weight on either of these examples. I take them merely as warning signs. But we disregard such warning signs at our peril. To quote Dag Hammarskjöld in *Markings*:

"The madman cried in the streets. Since no one bothered to answer, he concluded that his logic and his arguments were irrefutable."

In response to these new forces the Commission is placing a high priority on preventative community problem-solving and affirmative action. But our efforts alone are insufficient. We must have and we seek an active partnership with all concerned individuals and groups in order to prevent the development of community tensions based on poor race relations.

Eleven years ago when the Commission began its work, it called upon the citizens of Ontario who may have committed acts of discrimination, consciously or unconsciously, to respond rationally and with a sympathetic understanding to the new way which it had traced out for the good of all. I re-emphasize this message today. This is no platitudinous call to brotherhood but a rather difficult challenge in today's more highly charged intergroup relations situation. For example, whatever a person's racial identity, he or she should be aware that even when they are doing what they think is the right thing, they may be criticized by members of



other groups involved in their own struggle for self-identity and self-expression.

Consider the plight of white civil liberty workers in the United States today compared with the role of their

colleagues during the days of Martin Luther King. In the 'sixties they were heroes in a common battle. Today, with the emphasis on group identity, they are at best "behind-the-scenes resource workers." As one prominent, militant black leader once commented, "We'll call you if we need you." Many white liberals in the United States have gone sour. I am hoping that Canadians will resist the temptation to become involved in "backlash" movements which only continue the dreary circle of racial prejudice. There is a French expression, "to understand all is to forgive all" which is worth recalling at this time.

In a society such as I have described, it may also make it easier to understand what other groups are going through, if even the members of the oldest dominant groups hearken back to the historical era when their own ancestors were the victims of unfavourable stereotypes.

The Commission needs public support in pursuing a policy of "all deliberate speed." A rational approach to racial problems will survive if it produces results at a speed that satisfies the sense of justice of reasonable people in all groups.

I urge all to bear in mind a comment which is always in *my* mind. It is from the pen of the South African author Alan Paton. He wrote:

"The most important question that confronts the human race is keeping anxiety and mistrust from paralyzing reason."

If we can all succeed in doing that, rational solutions to our racial problems will be found. That task—keeping anxiety and mistrust from paralyzing reason—is the essence of the Commission's community problem-solving and community counselling.



The Dynamics of Community Work in Human Rights: A Sociological Analysis

By Donald B. Williams

A human rights commission, by its very nature, is caught in a crossfire of conflicting expectations and demands as well as in a continually evolving social context. The time is now ripe to appraise its past and present role and chart a course for the future.

Whereas, recognition of the inherent dignity and the equal and inalienable rights of the members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations . . .

. . . it is the public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, sex, marital status, nationality, ancestry and place of origin . . .

. . . these principles have been confirmed in Ontario by a number of enactments of the Legislature.

From Preamble of Ontario Human Rights Code.



As a broad generalization, one can state that the legislative history of the Province of Ontario, the sentiments expressed and support given by the various organizations and agencies, as well as the awakened social conscience of the citizenry as a whole, support and endorse the ideal that the fruits of the society should be available to all.

Yet, the duly constituted agency which is faced with the task of administering the Human Rights Code, namely the Ontario Human Rights Commission, is faced with a mountainous task. This consensus, while being facilitative, is not proving to be a magic wand. As the major instrument which is entrusted with bringing about the desired social change, the Commission is caught in a crossfire among client and discriminating groups. The Commission also has to contend with the unsettled and uncrystallized ideologies of groups which are attempting

to develop their own strategies to overcome their real and perceived inequalities. Finally, the Commission has the need to make its own goals realizable by broadening its spheres of action.

Perhaps, at this point in time, it is necessary for the Commission to appraise its role in the past in order that creative and facilitative processes may be designed for the future. In assessing its future role it is faced with certain problems stemming from an evolving society. Since its inception, the Commission has seen the number of client groups increase with the broadening of the Code through amendments. The large influx of visible minority immigrants from the Caribbean and the Asian and African countries has heightened tensions through activating latent prejudices of citizens and residents. The result has been an increase in complaints of discrimination. Inter-client group conflicts have flared in Toronto. Some client groups are attempting to mobilize and organize their own groups and communities. They want to confront their own specific discriminating groups.

The Commission's techniques seek to reflect the perceived needs of its various client groups. Thus, through a process of organic evolution, casework has led to community work. The technique of dealing with complaints through conciliation at the *individual* level represented the traditional approach of agencies of this nature which are attempting to overcome the limitations of ascription (race, colour, creed, etc.) Social brokerage and community work stem from the awareness that problems other than those associated with ascription affect and concern the group.

It appears that the Commission is faced with two basic sets of problems. In the first are those problems associated with discrimination based on ascription. These include discriminatory housing and employment practices, alleged police harassment based on ethnicity or skin colour, alleged differential career channeling of visible minority and ethnic pupils and students within the educational system, and the use of educational texts which create or reinforce prejudicial attitudes.

Donald B. Williams is Instructor-Supervisor Sociology, Social Sciences Department, Ryerson Polytechnical Institute, Toronto. He also teaches on a part-time basis at York University. He was previously at McMaster University. Originally from Jamaica, he has lived in Canada for the last 16 years, while retaining ties in Jamaica where he accepts assignments. In 1971 he acted as a consultant to the Anglican Diocese of Jamaica. His work was incorporated in an article published in the diocesan journal entitled "An Analysis of the Church's Involvement in Education in Jamaica." He has an M.A. in sociology from the University of Toronto and has pursued doctoral studies there.

Included in the second set of problems are those which are products of the inequalities which are generated within our system of social stratification. Problems associated with poverty, inadequate or non-existent occupational skills, do create barriers to the realization of the individual's or group's economic and social potential.

It can be argued that the two categories of problems are the products of the particular social system. Those listed in the first are "behavioural", those in the second, "structural." Behavioural problems are manifestations of a prevailing predisposition to act unfavourably to members of a group to which have been ascribed undesirable attributes. The findings of studies suggest that legislation can be an effective agent for bringing about desirable social changes in this area.

On closer examination one can argue whether the two theoretical classifications are of practical significance to the workings of the Commission. Agencies in the area of race and ethnic relations, and those attempting to ameliorate social problems, arrive eventually at the conclusion that both categories are inextricably intertwined. The solution of one is dependent on the elimination of the other and vice versa. In the United States massive attempts are being made to eliminate the problems faced by Blacks and other minority *groups*: educational programs have been designed which will train, retrain or develop the latent potentialities of the disadvantaged members of these groups. The Canadian federal and provincial governments have undertaken similar programs for their underprivileged minorities.

Client and discriminating groups make an unconscious division of sorts in their concern with the two categories of problems. Client groups based on ethnicity and race are more likely to focus their attention on the so-called behavioural problems. More often than not, the refusal to offer employment to a Black is interpreted as a manifestation of racial discrimination. Pointing his attention to his lack of skills or inadequate level of education rarely changes his original interpretation. The interpretation of discrimination becomes an effective blocking device. To this group, the genesis of structural problems lies in the behavioural ones. Discriminating groups can be accused of practising discrimination when they are really responding to the individual's lack of skills or general unsuitability for a specific position. However, many acts of discrimination are rationalized in terms of structural problems when, in fact, standards are set artificially high to bar minority group members.

Let us for a moment consider the implications of attempting to resolve the two sets of problems. At the moment a number of government agencies are entrusted with the mandate to resolve specific structural problems. Each agency is highly sensitive to its own responsibility and would therefore resent any deliberate intrusion into its sphere of operations. If such intrusion were made, the resulting inter-agency conflict would have disastrous consequences for the attainment of agency goals, for the respective client populations and for the effectiveness of their personnel.

Such intrusion would also require the continued broadening of the enabling legislation in order that the

Commission might function within a legal framework. Broadening the legislation, as a process, tends to increase client populations as well as the number of discriminating groups to be confronted and hence would geometrically increase the caseload of the Commission. Another consequence of this process would be the creation of a mega-agency with all the associated problems.

A close scrutiny reveals that the Commission's ultimate goal at present is the elimination of those problems which I have labeled as structural. Its energies were first mobilized for conciliation involving entities or individuals of the discriminating groups who violated provisions of the Code. However, with the knowledge gained of ancillary problems which accompany the discriminatory practices faced by certain relatively powerless groups, it was inevitable that new strategies would have to be adopted. The case approach, while being functional in carrying out the letter and spirit of the Code, has only served to heighten the Commission's sensitivity to a host of related problems. This awareness has led increasingly to community work and involvement in social brokerage.

At this juncture, it is necessary to examine the nature of the various client groups served by the Commission. This approach, although it involves many of the dangers of labeling, can provide some useful tools for the analysis of the past, continuing and future techniques adopted or probably to be attempted by the Commission in dealing with them.

Some of the visible minority client groups, Blacks and native Indian peoples, suffer a wider range and increasing frequency of violations of the Human Rights Code than those whose ascription is based on age or sex. They are more sensitive to their discriminating groups' predisposition to act in a discriminatory manner, and therefore tend to interpret any type of unfavourable behaviour as being discriminatory. It is evident that a state of mind exists which tends to preclude from the consciousness of many members of this group the fact that inadequate acculturation, a low level of education and skills can be factors which also militate against their achieving their goals.

If the Commission is to maintain its credibility with the members of these client groups, it must continue its individual casework approach. But more important, it should attempt, informally, to encourage other agencies which have specialized mandates to grapple with the structural problems voluntarily. The Commission's wealth of data on the problems faced by these groups should be made available to the widest possible spectrum of key decision-makers. Boards of education, municipal, regional and provincial governments, the provincial police and the R.C.M.P., etc., should be made acquainted with the problem area. At the same time they should be encouraged to incorporate the Commission's concerns into their procedures and policies.

A second category of client groups is delimited by observing the degree of organization within the community or group. An effectively organized one becomes its own instrument for bringing about desired social change and therefore tends to rely less on the services of a legally constituted agency. The members of the group have been able to make the necessary distinction between

structural and behavioural problems. Contending with ascription and its related problems is used as the basis on which community organization is built. Resources are mobilized to confront and negotiate with relevant discriminating groups, as in the case of the Jewish community. Access is sought to the major sources of power which are capable of inducing change, these being wealth and other physical resources, control over communications systems (mass media), threats to property, (civil disobedience and demonstrations), and the support of political interest groups. The last technique is utilized when the group represents a large segment of potential voters.

Although this type of group tends to refer fewer cases to the Commission, it is essential that it should be aware of the presence of this agency. The organized group should be encouraged to share some of its resources with other disadvantaged client groups.

The final category, the unorganized and hence relatively powerless client group, is the major source of concern, as exemplified by Blacks and native Indian peoples. Unlike the organized group which is its own major instrument of social change, the relatively powerless group tends to rely on an external agent to bring about desired change and perhaps help with its organization and mobilization of resources. Traditionally, the agency concerned habitually depended upon the education and persuasion of policy-makers outside of the group in its efforts to help this type of group.

The educational process involved an analysis of the state of mind of the client group, imparting information which explained their cultural, educational and technological shortcomings and the nature and effects of the social injustices of which the group was the victim.

Persuasion was geared to the cessation of discriminatory practices and other social injustices.



Hon. Fern Guindon, Minister of Labour and Dr. Daniel G. Hill, Chairman of the Commission.

The traditional approach works best in societies or eras when this client group is conscious of its powerlessness because the external social system is less supportive or tends to accept discrimination.

But it should be borne in mind that the unorganized group has major institutional problem areas to deal with before any effective social action from within the group can ever begin.

Community organization has been a technique of social workers and agencies to increase the participation of the relatively powerless groups they serve, thereby assuming that, given the opportunity to do so, all members of a community will participate on an equal footing. This, plus the agency's reliance on facts and interpretations as the source of its influence, overlooks the necessary mobilization of political and economic power. The education and persuasion of the policy-makers becomes a major technique. The agency feels that the policy-makers will be responsive to pressure exerted by the client groups whom they are attempting to organize. This view overlooks the scarcity of resources available to the relatively powerless groups, which will inhibit them in any attempts at successful negotiation which require strengths at the bargaining table. These groups have only their numbers and the disconcerting effects of public attention to contribute to the outcome of the contest. Thus, negotiation and bargaining must follow either the threat or the reality of bringing these resources to bear if the relatively powerless are to have a chance of gaining their ends.

Many militants are now attempting to attain their group's end through the use of this technique but they are unable to marshal the major source of strength available to them, which is community solidarity.

When an external agency, such as the Commission, attempts to make use of persuasion on the policy-makers it runs the risk of violating the professional value of neutrality in the eyes of the policy-makers. But the agency's adopting a stance of neutrality makes it difficult for it to convert the anger, often unexpressed but felt by the powerless, into action on their own behalf. The agency is seen as offering consultation rather than commitment and this is often interpreted by the client group as fear or token liberalism.

The rigorous pursuit of the needs or desired ends of the particular client group can be alienating to other organizations with whom the agency is associated. In addition the agency which has a government mandate runs the danger of seeming to confer government recognition upon the activities of social protest. This interpretation may be avoided if the agency makes use of its array of strengths, namely, its reputation for expertise, persuasion (through the force of the legislation it administers) and its relationship to the other organizations. The establishment of good relations with these is an essential condition.

Increased participation may be encouraged by recruiting previously unaffiliated individuals for group membership. These are individuals attracted by the offer of services to meet their immediate needs. The organizer's function—whether he is indigenous to the group or

a professional—in his first contact is to serve as a broker between the clients and the appropriate dominant persons or institutions. The groups that are shaped by such social brokerage tend to be the nucleus groups that serve as a liaison between their members and the public or private agencies. This approach affords greater access to agency resources and a more efficient realization of available services. In the co-operative attempt to solve the problem, the members learn how to meet some of their other problems through group processes, with additional group activities being suggested by the organizing agency.

By and large, these informal groups do not move from the immediate selection of shared problems to a common concern with larger social issues and action; for a group that has found a successful mode of operation will be unlikely to change its form or purpose. This small scale social action, encouraged by social brokerage, does give the participants an educational experience in the utilization of existing institutions but such utilization means an acceptance of the status quo and of the belief that the established social structure permits the solution of the shared problems. Dominant groups, organizations, leaders and politicians select obvious and perhaps superficial problems and seek out and solve them with such nuclear groups so as to forestall being confronted by underlying issues.

Social brokerage serves as a source of organization only for those who have common societal problems and live in a geographically circumscribed area. Even when this technique does encourage social improvement, the result is often not commensurate with the resources required to bring it about. As for the knowledge which the group has acquired in the course of achieving the improvement, this is not shared with others because such groups are likely to be too small to make for organizational continuity in the face of mobility and dropouts, or to generate and sustain a feeling of being a real organization, capable of undertaking some of the larger tasks necessary to alleviate some of the real sources of dissatisfaction. Hence the client group as a whole may still lack knowledge of how to deal effectively with that source of dissatisfaction, thus hindering the accomplishment of even small and limited goals for the group as a whole, and leading to frustrating organizational difficulties.

Further, the community residents most easily recruited into nuclear groups and most likely to continue as participants seem to be the relatively advantaged residents of an area who are already participating in other associations; the unaffiliated and unintegrated are not likely to be reached nor are their viewpoints necessarily well represented by their slightly advantaged neighbours.

The above-mentioned problems might be overcome through the nature of the core issue around which community action is built. A widely shared problem tends to be a much more effective choice than a minor one based on the concerns of a specific locality. An issue should appeal to all Blacks, or all native peoples, for example, rather than—let us say—Blacks who live in Sudbury or a native Indian band living near Cornwall.

With a large-scale and pressing problem it is easier to enlist the support of professionals with relevant expertise as well as concerned citizens. The motivational level of the participants tends to remain high. They will be willing to provide information, guidance and encouragement and assist in overcoming some of the organizational problems even in the absence of tangible rewards for their efforts. Then, even the spectre of delayed achievement can be taken in stride.

This technique has a high possibility for agreement because of its collaborative nature. Common interest, the absence of opposition because of public apathy to the issue, and the careful selection of a decision-making body, make the use of conventional problem-solving methods feasible.

But there are some hazards in this approach. Once client group organizations begin to develop among the relatively powerless, there is the tendency for each to become an autonomous unit, maintaining little or no relationship with others. Coalitions may occur but they flounder sooner or later for lack of organizational skills and the resources which are necessary for effective participation in social action. Advisors may be used to organize and coordinate the activities of these groups in order that they can become effective pressure groups. Should advisors be drawn from the ranks of professionals? Can a government agency such as the Commission attempt to perform this role through the use of its officers?

First, the professionals or the government agency will have to take into consideration the fact that, among these groups, there can be more affiliation than participation, and more vested interest (in time) than shared concerns. Some of the issues are chosen to maintain the survival of the particular organization rather than to meet the needs of members. The organization of policy in others may be left to a small core of leaders who range from indigenous (whether paid or volunteer) to militant activists who have come from elsewhere.

Furthermore, involvement with the dominant institutions has special risks for these newly formed client group organizations. Established organizations in the dominant group may make overtures to the leaders. This co-optation of indigenous leaders not only undermines the collective bargaining process, but deprives the members of organizational strengths and weakens their confidence. One feasible method of support which a government agency can provide to counter this danger is the provision of funds to engage services of professional organizers. Members of the relatively powerless group are more suited to these positions; the new awareness among many members of these groups militates against the different approach of non-indigenous organizers.

Protest, which is a militant and more dramatic form of social action, usually involves a large number of people. It is one of the few ways in which relatively powerless groups can create bargaining resources. The protest activity is more likely to be successful when it is undertaken by an organization with the demonstrated capacity to maintain itself, and with established relationships with other external agencies including even political parties. But, more often than not, protest is spearheaded

by ad hoc groups without demonstrated internal or external relationship patterns. They do not disband after the initial period of protest but become the base of an organizational structure.

The positive results of protest are blunted by such ad hoc groups which are incapable of balancing and integrating the four basic elements which are crucial to the success of this technique: the support and confidence of the protest constituents; the communications media; a sensitive and supportive public; and the group which is the target of the protest. Usually in a situation of this nature, the ad hoc group directs its assault at the government agency instead of at the dominant group, hoping to maximize the chances of success among those capable of granting what is sought. This displacement can place such an agency in an intolerable position. If acquiescence in their demand is not immediate and favourable the agency is condemned for its apparent lack of sensitivity. Conversely, responding to "crisis" pressures could lead to a change in the agency's mediating techniques which can be misconstrued by the dominant group as a positive stand in favour of the protest group.

Caught in this dilemma, the agency must assess the consequences of its mediation. It is possible that the dominant group, the object of the protest, may satisfy the general public without responding adequately to the protest group's demands. Symbolic satisfactions, with appearances of activity and commitment to problems by policy innovations, may be dispensed. They may serve to reassure political interests, or weaken the protest group's demands. The dispensation of token material satisfactions in response to the crisis case avoids the real demand of an extensive, complex, general assault on the problems. These token responses are attractive to the news media which tend to dramatize individual cases but fail to depict the general deprivation.

The agency therefore must endeavour to respond when placed in the role of third party but the nature and direction of the response—or indeed whether there should be one at all—should be determined by the impact and totality of positive consequences which its involvement will bring to the disadvantaged group.

Protest which aims at generating a speedy and favourable outcome to an individual case should not be regarded as worthy of response unless the issue is representative of an underlying problem which faces the powerless group as a whole. Such tactics militate against the effective organization of the group as a whole and, as well, tend to destroy good relations of the agency with the dominant group, which is the agency's most effective tool.

Conclusions

In an attempt to encourage increased participation among the relatively powerless, self-help which arises from a felt need is of the greatest value. Until a community or group gains an awareness of its own social needs, any government attempts at involvement will at best be superficial in nature, meeting only the most visible needs, while ignoring the real social issues.

Before any program of aid can be administered from the outside, there are several types of knowledge about

the structure and function of the community which are needed, but which are not immediately available to an outsider. It is necessary to understand the character, role and influence of the major population groups and institutions which comprise the community, plus the distribution of influence within their decision-making structure. There is a need to develop a perspective on the community—a sense of dominant trends, the pace and pattern of significant changes, as well as problem orientation in which the perceived needs and demands of relevant groups are viewed against the actual and potential resources of the dominant institutions and their capacity for change. All this is set against a background of information regarding the essential physical, ecological, political and economic characteristics of the community.

Given the scope and complexity of the knowledge needed, it is unrealistic to think in terms of government creation of programs to aid the relatively powerless groups in our society; for it is the indigenous people themselves, and the local agencies and institutions presently trying to meet their needs, who can best hope to attain some concrete understanding of the workings of their community or group. The most feasible approach for the government, given the complexity of each group, is to provide financial assistance for those who *request* it. This would require an information flow from the higher levels of power downwards, in order to make known the availability of these resources. The dispensation of funds to problem areas predetermined by government experts is ineffectual in trying to increase participation. The need for action must be realized by the relatively powerless themselves, for as we have shown earlier, community programs for action are most successful when articulated by these groups and their leaders. Misguided intervention from the outside can weaken any mobilization already in progress or prevent such mobilization from developing at all.

Once a need or common problem is identified, and if financial resources are known to be available, it is up to the relatively powerless to build their own bargaining resources, capitalizing on their sheer numbers, and using the newly available financial resources to create those mechanisms they deem valuable.

BIBLIOGRAPHY

- Coleman, J. S., *Community Conflict* (Glenco Free Press, 1957).
- Krammer, R. M. and Specht, H., *Readings in Community Organization Practice* (Prentice Hall, 1969).
- Lipset, S. M., and Lincy, J. J., "The Social Basis of Political Diversity," in Bernard Berelson and Gary A. Steiner, eds., *Human Behaviour*, (Harcourt, Brace & World, 1964).
- Rossi, P. H., "Theory, Research and Practice in Community Organization", in Charles R. Adnoi, *Social Science and Community Action* (Michigan State University Press, 1960).
- Golden, J., "Citizen Participation-Mobilization of Relatively Powerless Groups" (unpublished working paper). Miss Golden is in the Sociology Department, Ryerson Polytechnical Institute.

Community Problem-Solving Projects of the Ontario Human Rights Commission

"What do you actually do?", people ask the Commission. This article is a compendium of the Commission's community problem-solving projects to answer the question.

The Commission's community problem-solving projects cover every minority group and a great variety of situational problems involving the old majority group as well. The common denominator of these projects and activities is that they arise from tension-laden situations or those where friction is obviously imminent. The diversity of projects is such that even this listing cannot be exhaustive without becoming exhausting for the reader. It is felt, however, that there is sufficient information to convey an accurate general impression.

What does the Commission accomplish when it is asked to intervene and use its good offices in community problem-solving activities? An easy way of measuring success in the realm of intergroup relations does not exist. Results are too subtle in most cases, but are palpable nevertheless. There are rarely dramatic solutions; rather, it is a process which is initiated, a process heading in the right direction, namely the reduction of tensions and the instilling of enlightened attitudes.

The obstacles are not only the obvious ones of bigoted attitudes or bureaucratic unimaginativeness. Diffidence, unwillingness to seek help, on the part of groups which are victims of discrimination or simply incapable of contending with the complexities of our society, are an equally large obstacle. In the latter case, the Commission can only maintain contact with a group over a long period, attend the meetings of their cultural organizations, continue to indicate that the Commission is interested and in a position to help, until, finally, a spokesman comes and sets out that they have a problem and describes its nature. At the individual level, the Commission seeks out those who find themselves incapable of seeking us out, and who, to our knowledge, have problems (see below).

In towns and cities, Human Rights Officers seek to encourage the formation of a local citizens' committee for human rights. Two examples are the Kenora Concerned Citizens Committee and the Sudbury Human

Rights Committee. Such bodies also concern themselves with problems which are not covered by the Human Rights Code.

Canada Manpower offices in Ontario are briefed regarding the application of the Code's employment provisions to their functions.

A detailing of community problem-solving projects is most coherently organized in terms of activities with the following broad categories: immigrants, Blacks, Asians, native Indians, tourists and women.

The wave of immigrants into Ontario in the last decade, which is still continuing, has created a diversity of client groups. Work with them takes a number of forms.

Most general is the assistance given to recent immigrants, many non-English-speaking, in their dealings with government bureaus. These dealings can, on occasion, be a source of misunderstanding, frustration and resentment, and not only for immigrants but also for native Canadians and disadvantaged groups. To keep up-to-date with their problems, the Commission staff receives the newspapers of all cultural minority groups.

In line with the concept of going to those who are incapable of coming to us, a multi-service storefront office was opened in 1969 in a heavily immigrant neighbourhood in downtown Toronto. This experimental project, called Services for Working People, offers services in 23 different categories of problems involving relations between individuals and government bodies at all levels. The storefront office also provides a link between the Commission and the immigrant groups. These are mostly European immigrants with a residual attitude of mistrust, hostility and helplessness towards all bureaucratic structures. The impersonal atmosphere of large government buildings also intimidates them.

In the last fiscal year Services for Working People handled 20,576 complaints, problems and inquiries. They reflect the need of immigrants for assistance in learning about their own rights and responsibilities and in understanding the relation of these to the rights of others. Lacking such assistance, the immigrant's ignorance of his new country's customs and his resulting bewilderment can lead to frustration and resentment. They can also make him vulnerable to exploitation.

Services offered range from the simple to the complex. Clerical assistance is given to help persons complete forms. Basic information is given to start people off on solving their problem. Legislation administered by the

Commission and other branches of the Ministry of Labour is applied, where people have been victimized contrary to the law. Precise and arranged referrals are made to relevant agencies and follow-up work as an intermediary is done when the person encounters an obstacle to a satisfactory resolution of the problem.

The storefront counsellors have ties with a number of immigrant communities and cover the languages of the people who come with their difficulties. The number of inquiries per month has, on occasion, exceeded 1,000.

A somewhat similar service is rendered in Thunder Bay by the Ethnic Referral Centre, for which the resident Human Rights Officer acts as a consultant.

With the same ad hoc approach of meeting needs as they arise, the Windsor office of the Commission was involved last summer in launching the East Side Day Care Centre, an Opportunities for Youth program. This Commission office also acts as consultant for the East End Action Centre. Supported by a government grant, the Centre is situated in, and attempts to serve, an area populated mainly by immigrants and persons at the low income level. The Centre has succeeded in having a school built which also serves as a recreation centre.

From the Commission's Thunder Bay office, projects to assist the concentrations of cultural minority immigrants are devised and carried out. Commission literature has been translated into the languages of the immigrants in the region. Work with the Ethnic Referral Centre has enabled us to improve contacts with ethnic groups.

Another general area of assistance to immigrants concerns their children, notably in the school setting. Newcomers to a school, particularly if they do not speak English well and if they belong to a visible minority group, are sometimes made so uncomfortable that they refuse to go to school. If there are a number of students of this group, violence may result, either through direct confrontation or through acts of vandalism expressive of frustration and resentment. Usually it is the minority group parents who go to the principal, and he contacts the Commission, as in the case of the Amherstburg Public School.

A human rights officer then goes to the school and attempts to promote better understanding among parents, teachers and administrators. The officer also involves the students, showing them a film on human rights calculated for the appropriate age group, and engaging them in dialogue to bring into the open all aspects of the problem. He uncovers the roots of the difficulty and leads the students to a realization of the simple ways in which relationships can be improved. He also leads the majority group to empathize with the minority group students. Some cases require the assistance of local service clubs or clergy.

The problem is not limited to children in school. Trade unions contact the Commission when union members belonging to minority groups find themselves in friction-laden situations with union brothers of the majority group. Management of large plants similarly call upon the Commission when the heterogeneous backgrounds of their employees result in abrasive intergroup relations.

A third general area of assistance to all immigrants is in employment when a prospective employer alleges that an immigrant is unsuitable for a job because he lacks "Canadian experience." The Commission is airing this matter broadly in the community and informing employers that complaints will be taken in such cases and will be investigated. We seek to separate what is legitimate in the allegations from what is a screen for discrimination, and to determine where Canadian experience is a legitimate job qualification.

At the professional level, immigrants encounter the same allegations applied to their professional training. The Commission is moving in the direction of encouraging professional associations which license practitioners to draw up formal equivalents between degrees and certificates of other countries' institutions and Canadian ones.

There are still further areas where the Commission assists immigrants in general. One is in their relations with police. It is important to note first that the way police treat the public does not fall within the three social areas covered by the Ontario Human Rights Code, employment, housing and public accommodation. Hence formal complaints on this subject cannot be taken. The history of the Commission's involvement, therefore, has been a series of devices which approached ever closer to the community problem-solving which is now the standard practice.

That practice is for a Human Rights Officer to bring together representatives of the police and organizations of immigrant cultural groups to discuss their problems in relating to each other and to achieve greater understanding of each other. The police learn how cultural differences affect behaviour patterns and the immigrant groups learn what are their rights and responsibilities in the community, and towards the police as representatives of the community interest. (Further details are given in the section on Blacks, below.)

Relevant here is mention of a program, combining community work and educational functions, with the R.C.M.P. The Commission has a part in an in-service training program of the R.C.M.P. in Ottawa, on the subject of community relations. Since 1969 the Commission officer in Ottawa has given a segment of the course, entitled "The Community in Conflict."

Immigrants in large numbers are still a phenomenon to some Ontarians of the old majority. Hence attuning the latter to the phenomenon appears to be a worthwhile project which will pay dividends in improved relations. A senior officer therefore speaks to various employee groups or supervisory staffs where large numbers are employed who represent many cultural groups; recent examples are a nursing home and the maintenance and construction department of the Metro Toronto Board of Education.

Immigrants have distinctive problems in the realm of education. The Windsor Office was involved for a time in the recruiting of students and lecturers for the St. Clair College Preparatory Program, part of the College's community outreach effort. It is designed to upgrade the educational level of immigrants, and underprivileged

persons of all groups, to permit them to take their desired course at that college. Commission staff also counselled some of the students.

Immigrant children arrive in Canada at every age level and must often begin working at an early age to assist the family's financial position. Hence they may drop out of high school and then find themselves facing a dead end in their career prospects. To assist those who wish to go to university, the University of Toronto has devised a transitional year program which may be used by any educational institution. The Commission officer in Windsor participated in discussions with the University of Windsor to set up a program and acts as the local contact for the program. The officer has met with members from the Italian, Greek, Portuguese, native Indian and Black communities.

The **Black community** in Ontario may be divided into three parts, according to place of origin: native-born Canadian, United States, and West Indian. Their problems tend more and more to be common to all three groups.

In Toronto, where the heaviest concentration of Blacks is located, the Commission assigned a Human Rights Officer as a detached worker to this community in 1970. His objectives were to establish liaison with organizations and leaders; to ascertain what special problems the community had and to report these to the Commission for referral to appropriate governmental agencies within the limits of the Commission's mandate and resources; to inform the community about the help the Commission and other Ontario Government agencies can offer; to act as a link between the client groups and the respective government agencies.

A number of projects have since grown from this activity. Officers visit churches with predominantly Black congregations to inform them of the services provided by the Commission and branches of the Ministry of Labour. Meetings are held with Black clergymen to make them aware of the work of the Commission and the provisions of the Human Rights Code.

A representative of the Commission attends all executive and general meetings of the National Black Coalition. Commission officers meet regularly with National Black Coalition leaders to discuss affairs of the Black community. Meetings are also held with the Black Community Action Committee and the West Indian Information Centre to discuss their activities and problems.

Young Blacks in their teens and early twenties have special problems. Many are insufficiently educated to obtain jobs. This engenders resentment among them and has the practical consequence of street loitering. The latter in turn creates a negative reaction among police in the neighbourhood.

To fill a need at the time, in 1970, and to point the way for other bodies, the Commission, working through the Black Education Special Project, arranged for a number of youths to enter George Brown Community College. The Commission helped to mobilize community resources to obtain the students and financial aid for the project. Some 31 students took courses and moved on to

jobs. Since then, Canada Manpower Centres have handled the work of upgrading educational levels while providing a living allowance.

In Windsor the Human Rights Officer acts as adviser to the Opportunities for Youth program, involving high school students and unemployed youths.

To improve police relations, in the light of complaints of police harassment, the Commission, with the cooperation of the community relations officers of the Metropolitan Toronto Police Department, has been giving seminars to policemen in the division covering the neighbourhood involved. Racial and cultural differences are analyzed, as well as the enlarged role incumbent upon police in culturally heterogeneous communities. Commission officers also bring together police constables and Black organizations. The former explain police operations, the latter air their grievances, and in the exchange of explanations a more understanding climate of opinion is created.

At a broader level, a senior Human Rights Officer speaks regularly to all levels in the Metro Toronto Police Department: constables, patrol sergeants and detectives. Another officer speaks at the Police Training College and at in-service training courses. The minority groups involved in the discussions include, of course, others besides Blacks.

A complaint of hiring discrimination by a group of Black carpenters led to a much broader community work project. The Commission concluded that the problem was too complex to be handled on an individual complaint basis. It therefore involved the Labour Committee for Human Rights and the Ontario Federation of Construction Associations.

In both Toronto and Ottawa Black organizations are concerned about the situation of West Indian women who enter Canada under the Domestic Help Scheme to work in private homes and are not covered either by the Ontario Human Rights Code or the Employment Standards Act. They thus have no redress from any abusive treatment which they may receive as employees. The Commission has taken up this matter and is attempting to ameliorate the situation within the means at its disposal. These include attempts to raise the level of awareness of the public via the media, assistance in the co-ordination of community efforts in documenting cases of abuse, and providing information and counselling to individual domestics with problems.

Jobs for hard-core unemployed Blacks and underprivileged persons of other groups in the Windsor region have been an important concern since the Windsor Advisory Committee on Employment made its report to the Ontario Ministry of Labour in 1969. One continuing project in the Windsor area which is now in its fourth year is the in-training program run by Chrysler Canada Limited. This is done with the cooperation of the Commission office in Windsor. In 1972 the Windsor Human Rights Officer sought more active participation from social and government agencies in submitting names of potential trainees. Commission effort was more intensive in the week-long orientation program and took the form

of more personal contact and counselling of trainees. Twenty persons are hired each year.

There is a large concentration of Blacks, mostly native-born Canadians, in southwestern Ontario. In Windsor, the Commission officer acts as an adviser to the Ujaama Community Centre, a coalition of Black groups, in their attempt to obtain a recreational and cultural centre. In the town of Amherstburg, race relations have at times been troubled. A current project involves Black children at the Amherstburg Public School. In an attempt to improve race relations among teachers, parents and pupils, the principal enlisted the Commission's support to implement a program, the first phase of which was a series of seminars for teachers. The results were judged successful and are being followed by lectures to parents and the bringing together of parents and teachers. Community meetings will be the final step.

The Ottawa Human Rights Officer meets regularly with members of the Black community organizations. These meetings have led to the establishment of an effective liaison between the Ottawa Police Department and the Black community.

Black tourists in Ontario are a large part of the concern behind the Commission's tourist program each summer, which is described below.

The Asian community comprises East Indians, Pakistanis, Japanese and Filipinos.

The East Indian community numbers some 40 organizations, and the Commission attempts to maintain

contact with as many of them as possible. Among the problems uncovered is a particularly strong concern with the "Canadian experience" requirement, since many East Indian immigrants are professionals who encounter difficulties, both with professional associations and with prospective employers, in having their academic and professional credentials recognized. Many are obliged to take jobs far below the level at which they worked before emigrating. They are aware of the Commission's existence and function, but many are afraid of approaching the Commission for fear of reprisals within their profession. Though they know that there is a provision in the Code prohibiting reprisals against those who lodge a complaint or cooperate in an investigation, they nevertheless hesitate to incur the reprisals and then have to lodge another complaint. The Commission meets with the Asian Committee in Toronto on this employment problem.

Contact with the East Indian community showed a need for an orientation program to adjust persons to Canadian life. Hence a program was begun in March 1972, by the India Immigrant Aid Services with Commission encouragement. New Indian immigrants are given classes in Canadian English pronunciation, the manner of conducting oneself in a job interview and the approach to a prospective employer by telephone.

The special case of the Ugandan Asian immigrant was handled by several Ontario government branches, including the Commission. An interministerial committee included the Citizenship Branch and the Commission; it



oriented employees working with the newly arrived Ugandan Asians and consulted with groups involved in arranging for their settling in and for employment; among these groups was the Association of East African Asians. Out of this effort has grown a resource centre offering services to all immigrants, called Welcome House. In Ottawa a human rights officer is a member of the Ottawa Committee for Ugandan Asian Refugees.

The Chinese community in the Toronto and Hamilton area was intensively canvassed in 1971 by a Chinese-speaking officer. His report noted their problems and aspirations and the gratification of many that the Government was interested in them. Contacts are maintained with the Chinese community.

The Ottawa office has contacted Chinese student organizations and discussed problems of housing discrimination in the city in the hope that the students will be encouraged to approach the Commission if they encounter problems of discrimination.

The Japanese-Canadian Citizens Association works in close cooperation with the Commission in the areas of complaints under the Code and community problem-solving. The Commission thus establishes contacts with recent immigrants and learns of any human rights problems which they may encounter. We also work closely with the Tora Sansei Group (third generation Japanese-Canadians), whose objectives include increasing awareness of the Japanese heritage and maintaining liaison with the Asian Community Council.

The Filipino community in Toronto grows steadily. A Commission officer has amassed considerable data about them and has informed their organizations about the work of the Commission.

Other minority groups with whom the Ottawa office, in particular, maintains contacts, especially regarding immigrants' problems, are the Lebanese and the Egyptians.

A problem common to all members of visible minority groups is discriminatory housing connected with colleges and universities. The Commission has acted as consultant for McMaster University, which advised home owners listing their accommodation with the University housing office that discriminatory limitations could not be accepted. The University of Windsor and the Commission have agreed that the former will refer discriminatory requests and complaints to the Commission.

The Commission and the Canadian Jewish Congress are in frequent communication and refer relevant complaints to each other.

Immigrants, both white and visible minority members, and religious minorities are not the only groups which figure largely in the Commission's community work. We are greatly concerned about the unique and extensive problems faced by the **native Indian peoples**. The Commission uses its resources and its legal mandate to cope with the problems and to improve the circumstances of the native peoples. Their extreme disabilities stem from over 200 years of special status as wards of the Crown, i.e. the Federal Government, and from prejudice against them because they are "different". They have developed a distrust of all levels of government and have suffered

a collapse of their traditional economy and of much of their cultural identity.

The objectives of the Commission's work for and with the native peoples are to accelerate recognition by the dominant society and by government at all levels of their needs and to provide the resources, human and material, to meet them. Though limited in our own resources, we have played a not inconsiderable part in influencing government and the private sector to give the Indians a stake in Canada's future.

Commission community work with the Indians has passed through several stages. There was, first, the ascertaining of the realities of the situation through listening to the Indians—an unusual exercise previously for government representatives. It was quickly realized that, even within the broader limits of the *spirit* of the Code, the Code's formal aspects would not suffice to carry out the Commission's duties vis-à-vis the Indians. On the basis of the broad mandate in section 9 of the Code to forward the principle of equal treatment and equal rights for all, the informal, community work approach was developed. First, individual complaints were taken as informal cases because they did not fall directly within the provisions of the Code. This led to the Commission's present role as a catalyst in achieving broad solutions through the involvement of government community resources and voluntary bodies. An example is the Kenora Concerned Citizens Committee. The Human Rights Officer played a crucial role in bringing together on the Committee local Indian Bands, the Social Planning Council and the Ministry of Community and Social Services, and in effecting contact between the Committee and the Ontario Provincial Police.

The work of assisting individuals continues unabated. The concept of going to those who are incapable of coming to us, and offering multi-service assistance, used in the Toronto storefront office, is also used in the north. Officers from the Thunder Bay office have a program of continuing visits to Reserves—a kind of travelling storefront office. The diversity of problems is even greater than in Toronto.

Among the most visible community work projects, some of the earliest, and still continuing projects involve employment, the Indians' foremost problem. At first a project was designed to obtain further information about the Indians' job situation. The Commission, in cooperation with the Employment Standards Branch, began each summer to travel through the northern resort areas to learn of, and rectify, violations of employment terms and human rights infractions. Thousands of dollars have been recovered for Indians from employers in back pay, vacation pay and pay differential to come up to the minimum wage.

In the process the Commission became aware of the severe problems faced by approximately 2,500 hunting and fishing guides, most of them Indians. As a consequence, officials of the Employment Standards Branch, the Industrial Training Branch and the Commission set up a Guides Committee with 22 representatives of the guides, in Thunder Bay. The latter represented guides from Moosonee to Rainy River. The basic issue was how

to make legislation administered by these branches clearly cover the guides, in such matters as whether they are to be considered self-employed or in the employ of resort operators, overtime pay for overnight work, minimum wage coverage, licensing procedures, ratio of tourists to guides, and racial discrimination in camps by tourists and some camp owners.

The Committee's terms of reference were to make recommendations for amendments to the Employment Standards Act. These are now being studied. The Committee requested the Commission to prepare a brochure informing the guides of their rights under existing laws in terms of employment and human rights. This was done and the brochure was distributed widely from the Thunder Bay office, in English, Ojibway and Cree.

In addition to this undertaking, the Commission officers in the north have met with the Northern Ontario Tourist Operators Association to encourage better treatment of Indian employees, both guides and other kinds of workers. The officers also informed the operators of the employment and public accommodation provisions of the Human Rights Code.

The employment problem is being tackled in other ways as well. The mechanic's helpers program originated in the fact that employers with operations in remote areas could not retain workers who had to live away from their homes and families located in urban centres. The answer seems to be to train men already living in the bush to do the same work, for a power and paper company. The Commission is approaching Indian Bands and associations and will recommend a selective group to the company.

The Commission's Ojibway-speaking officer was of great assistance in this program in providing informal "support services": he transported applicants from remote reserves, obtained temporary financial assistance from the Federal Indian Affairs Branch, encouraged the Indian Bands to provide money for mechanic's tools, etc.

The same officer arranges, when relevant, for Indians to enter apprenticeship programs, through the Industrial Training Branch and the Federal Manpower Centre, and for upgrading of their educational level at night school classes.

Another employment project arose from wage complaints of Indians whom the Commission had helped to obtain piece-work jobs as tree-planters with the Ministry of Natural Resources as employer. This Ministry has co-operated with the Commission and the Employment Standards Branch, has ended contract tree-planting and adopted the policy of hiring Indians as government casual employees for this work.

The human rights problems of the Indians tend to be concentrated to a large extent in their relations with the police. In this area much is being done by the Commission and considerable progress has been made. Our efforts have followed the same community problem-solving pattern as with the Indians' other problems and the same approach as in police relations with other minority groups. Once it became overwhelmingly clear that lines of communication had to be set up between the O.P.P.

and the Indian Bands in the north, the Commission acted as the catalyst to set up the O.P.P.-Indian Communities Liaison Committee. Representatives of the O.P.P. meet with representatives of various Indian Bands in different regions, exchange grievances, explanations and iron out difficulties, on the road to better, more understanding interrelationships. The O.P.P. thus makes itself more responsive and accessible. One new policy which has been adopted by the O.P.P. as a result of these contacts can be seen expressed in the hiring by the O.P.P. of an Indian constable in the Kenora area. He in turn is cooperating with the Ojibway-speaking officer in the Commission's Thunder Bay office to recruit more Indian constables.

The Commission has gradually assumed a go-between role, interpreting, in cultural terms, the Indian and white worlds to each other. The knowledge required to fulfill this role, and the opportunity to play it, come about through regular visits to Reserves and to Indian friendship centres at Thunder Bay, Red Lake, Kenora and Geraldton. Last year officers visited the Sandy Lake community, located some 300 miles north of Kenora, for a week of informal meetings with residents to discuss the work of the Commission and its application to isolated northern communities.

During such visits the Human Rights Officer virtually gives classes in government—explaining the purposes and jurisdictions of various governmental levels.

Within the towns and cities friction has led to positive attempts to lessen it. In Kenora, the Commission encouraged the residents in the formation of the Concerned Citizens' Committee, after a sharp increase in the number of violent deaths of Indians. The Committee has the active participation of representatives from the Indian and non-Indian communities, and concerns itself with all the problems involved.

There are many Indians in southern Ontario and the problems are somewhat different. In a large city like Toronto it is difficult to find the Indians and make them aware of the government services and benefits to which they are entitled. The Commission has found that the detached street worker approach is the best way to find the Indians and, by personal rapport, develop links with them.

The Commission maintains close ties with the Ontario Métis and Non-Status Indian Association, with the Union of Ontario Indians, with the Chiefs of Treaty Councils One and Three, and cooperates with them in many projects. The most visible current effort concerns the Wallaceburg situation. Poor relations between the residents of Wallaceburg and the Indians of the nearby Walpole Island Reserve received wide publicity in the autumn of 1972. The Commission, and particularly the Human Rights Officer in Windsor, is working with the Union of Ontario Indians to bring the Chief of the Reserve and the City Council together to achieve better understanding.

In London, the Human Rights Officer is in regular contact with the N'Amerind Indian Friendship Centre, a social service agency representing urban Indians, which

fosters Indian identity, organizes the Indian community and works to enlighten the non-Indian majority.

Also in London, the Commission officer stepped in when relations between the London Housing Authority and the local Indian residents became embittered. The Officer organized a meeting between the Authority and the Indian community to effect better mutual understanding and communication. It was explained to the Indians that their applications were not being ignored but that the same criteria must apply to all applicants. The Authority has begun a training program to sensitize its staff to the Indians' needs.

In Ottawa, the Commission office maintains links with staff members of the Native Council of Canada, the National Indian Brotherhood and the Department of Indian Affairs. The Ottawa office plays the role of a resource body with the Reserves of southeastern Ontario, notably with regard to Ontario Government ministries; among the subjects discussed are police, employment and education.

Another category of "minority" people, from the Commission's point of view, are **tourists**, particularly those belonging to visible minority groups. Every summer a program is carried out to alert resort operators to the public accommodation provisions of the Code and to provide them with Commission literature for themselves and for their guests. A parallel effort is made to alert tourists to the provisions of the Code; a pamphlet written expressly for tourists is distributed at border entry points, tourist information centres and other places frequented by tourists. From it they learn of the Code and the recourse they have if they encounter discrimination in public accommodation. Complaint forms and copies of the Code itself are deposited at municipal and provincial police offices and at tourist information centres. The

Commission is also in contact with associations of tourist operators such as the Northern Ontario Tourist Operators Association.

The recent addition to the Code of sex and marital status as grounds of discrimination means that **women**, though scarcely a "minority" numerically, are regarded as another client group. One community work project concerning women has already been completed. The Toronto Board of Education responded to complaints by several organizations that qualified women were not receiving senior appointments in proportion to their numbers, which suggested a discriminatory selection procedure. The Board's response was to establish a committee to develop an affirmative program of selection of women and to ask the Women's Bureau section of the Commission to serve in an advisory capacity on the committee. It produced a report with separate recommendations for both teaching and non-teaching staff.

The Commission has no doubt that this enumeration of community work projects will grow in scope in the future and that lines of effort will branch out further. Human problems, as they stem from relations between individuals or sub-groups and society and its institutions, are seemingly limitless, as many countries have found out before us. The creation of ombudsmen in many countries is but one sign of that realization. The creation of new human rights commissions in Canada and elsewhere is another indication. Within the limits of resources given to us by the Ontario Legislature, the Commission will continue to extend every effort to fulfill a mandate whose spirit is as broad and diverse as human misery, so that the total community of Ontario may become a better place to live for *all*. It must never be forgotten that the suffering of one detracts from the enjoyment of life for all.

One O.P.P.-Indian Communities Liaison Committee, Whitefish Reserve



Commission Roundup

General Activities

The year 1972 was a landmark year for the Commission: a heavily amended Human Rights Code and an important change in the Commission's structure marked the tenth anniversary year of the Code.

On June 30th, 1972, royal assent was given to a **consolidated revision of the Code**, presented to the Legislature by the Ontario Minister of Labour, the Hon. Fern Guindon. The Age Discrimination Act and the Women's Equal Employment Opportunity Act (the latter formerly administered by the Women's Bureau) were repealed and their provisions were included in the Code. Moreover, sex and marital status as grounds for discrimination were extended beyond the area of employment to housing and public accommodation.

Other changes as well made this the most sweeping amendment in the history of the amendments to the Code. The housing provisions were enlarged from "self-contained dwelling units" to cover "any housing accommodation" (i.e. including "flats") except where the owner occupies part of the premises and shares a bathroom or kitchen with renting tenants. Like trade unions, self-governing professions are now mentioned specifically with regard to membership in them. A new provision provides for the approval of special employment opportunity programs for disadvantaged groups, where necessary.

Maximum fines for non-compliance were increased from \$500 to \$1,000 for individuals and from \$1,000 to \$5,000 for organizations. The procedure for lodging a complaint was expanded so that a person other than the victim of the alleged discriminatory act may lodge a complaint and the Commission itself may initiate a complaint. The latter brings the Commission into line with other governmental human rights bodies which have had such initiatory power. An appeal procedure from a Report of the Board of Inquiry has been provided to the Supreme Court of Ontario.

As part of the incorporation of the Women's Equal Employment Opportunity Act into the Code, some of the enforcement officers formerly in the Women's Bureau have become part of the Toronto regional office of the Commission.

The inclusion of sex and marital status in the Code will ultimately eliminate inequitable differentials in employment benefits such as life insurance and pension, sickness and accident plans. To avoid dislocation and allow time for consultation, the enactment of this provision was deferred until a date to be announced by the Lieutenant-Governor. A task force, chaired by the Deputy Minister of Labour, R. D. Johnston, is now studying the ramifications of this step, with the aid of relevant experts.

With regard to sex discrimination in housing and public accommodation, exceptions have been made where obviously needed.

The **tenth anniversary of the Code** was marked by a statement of Premier William G. Davis in the Legislature and by a luncheon held in London, Ontario. On June 15th, 1972, the exact anniversary date, which is also Magna Carta day, Premier Davis spoke of a "significant milestone in the history of Ontario's legislative action in the field of human rights." He noted that the original date in 1962 was chosen to coincide with Magna Carta Day and that this was the idea of the late Alex A. MacLeod, who was the moving spirit in the early years of the Commission. The Premier stated that the Government of Ontario "intends to remain in the vanguard of human rights legislation," that racial disharmony will not be allowed to take root and that minorities will be protected against discrimination "so that they may make their full contribution to a flourishing community." He urged all Ontario residents to foster the ideal of the brotherhood of man.

The Ontario Minister of Labour, the Hon. Fern Guindon, spoke at the Tenth Anniversary Luncheon held in London. He said the Commission "is one of the most important agencies in the Provincial Government. Perhaps we might even say *the* most important. For of what use are any privileges and pleasures we may enjoy unless *all* of our citizens are free and equal, and able to enjoy a dignified human existence?" Stating that the Commission "enjoys international renown and respect" he singled out for special tribute the Chairman, Dr. Daniel G. Hill, for his years of dedication and leadership.

Of the revised Code he noted that the changes are a "response to new needs perceived by the Government and requested by concerned groups in the community."

The London meeting marked the opening of a **permanent Commission office** in London, with a resident human rights officer. Hamilton likewise saw the opening of a Commission office in November of last year, and Sudbury in January, 1973.

The community work program of the Commission is covered elsewhere in this issue. The education program had a significant achievement, in the interval since the last issue of *Human Relations*, in the form of the completion of the work of the **Interministerial Textbook Committee** and the publication of its **Report** in October by the Minister of Education, the Hon. Thomas Wells. Mr. Wells stated the Government's intention to implement the Report's recommendations.

The committee was composed of the Commission's Chairman Dr. Hill, who acted as chairman of the Committee, Commissioner Dr. Lita Rose Betcherman, and Gordon Nelson and Peter Wiseman from the Curriculum Development Branch of the Ministry of Education. The Committee's secretary was the Commission's Special Projects Officer, Harold Brian Attin. The Committee based its Report on the book *Teaching Prejudice* (see

Human Relations, February, 1972) and Mr. Nelson's internal ministerial study of bias in social science textbooks, which has now been made public.

Mr. Wells outlined new procedures for examining bias in manuscripts, as well as printed books. Publishers are given the opportunity voluntarily to consult the Commission when a book is in the manuscript stage. If it is in printed form the Ministry of Education will initiate the bias evaluation procedure and will refer the book to the Commission only for extraordinary evaluation. Existing textbooks will be reviewed when they are reprinted.

Groups particularly affected by bias in textbooks, Mr. Wells said, are native peoples, immigrants and women. The Minister accepted a recommendation that a study to identify sex-role stereotypes in textbooks be undertaken. Bias is expressed, he noted, not only in the choice of words but also by the one-sided or partial treatment of an historical incident or theme or an aspect of contemporary life. Omissions can be as significant as what is said.

The Report makes clear that an objective criterion exists and that is proper scholarly historical methods. The use of such methods would ensure, among other things, historical perspective, so that, for example, seventeenth century conduct is not judged by twentieth century standards, and they would ensure balanced treatment which gives all participants their due.

The Report also recommends that sex role stereotypes be altered in accordance with present day realities; that Canadian life be depicted for younger pupils to include people with surnames representing diverse backgrounds and in various economic and life-style circumstances; that the contribution of immigrants to Canada's development be treated; that the genteel aversion from subjects deemed "controversial" be overcome, examples being the dynamics of prejudice and the role of trade unions.

Staff members of the Commission fulfill many engagements and play a public role in the course of a year. Here are some highlights since the last issue of *Human Relations*.

Commission Director McPhee spoke to an Indian Rights Seminar sponsored by the Indian-Eskimo Association and Mohawk College in Hamilton. He explained how the Code can be of service in the context of Indian rights and described the special features of the Commission's program in northern Ontario. To the London Lodge of B'nai B'rith he spoke on the multi-ethnic nature of discrimination and the need of all groups to examine their own conduct. In connection with the Commission's first public meeting, he was on the hot line of Thunder Bay radio station CJLX. Mr. McPhee has delivered the Sunday morning sermon to a number of United Church congregations, speaking on the theme of human rights.

Among the speaking engagements of Assistant Director George A. Brown was one before the Oakville Association of Mixed Families, which is composed of parents who have adopted children of visible minority ancestry. Mr. Brown discussed the racial problems they are likely to encounter in their own family and in the community and how to cope with them. He also spoke to a religious retreat organized as a community effort of the City of

Hamilton, where the attendance was racially heterogeneous. The object was for the participants to learn greater acceptance of one another. Mr. Brown spoke to various branches of the Personnel Association of Ontario; in one case the meeting was apropos of the arrival of the Ugandan Asian refugees and their impending appearance on the job market.

Special Projects Officer H. B. Attin acted as a resource person at the Heritage Ontario Congress and represented the Commission and the Ministry of Labour on the Interministerial Heritage Ontario Follow-up Committee. Legal adviser Ian Hunter, Department of Law, Carleton University, prepared a study for students of civil liberties and human rights at Carleton University, which gives ample treatment to human rights and the experiences of the Commission. The work, entitled "Civil Liberties and Human Rights: A Canadian Sourcebook," is not yet for public sale.

Aside from the educational efforts of the Commissioners and the staff, the Commission appreciates the support given by the Minister of Labour. Mr. Guindon gave the luncheon address at the tenth anniversary meeting, as noted above. He also spoke in even greater detail about the Commission in an address to the Windsor Chamber of Commerce last October. Terming the Commission "one of the most vital agencies in the Provincial Government" he recalled Ontario's history of human rights legislation as "a proud and distinguished heritage in the field of human rights." Turning to the present and future, he said that

Accelerating changes have presented new challenges to our society in the last decade. But I believe that few challenges confronting us in the 'seventies are as vital as the need to establish, for each and every individual, a dignified human existence. No man can be secure in his basic rights unless all men are secure.

The Minister reminded his audience of the public's "reciprocal obligations to support the Commission in its work," and the need for "the cooperation of individuals and community groups."

The education program launched **advertising campaigns** to inform Ontario's citizens and residents of the changes in the Code. One campaign in the autumn of last year advertised the new housing provisions. A campaign early this year informed the public of the addition of sex and marital status as grounds of discrimination in housing and public accommodation, in addition to employment, and described the community problem-solving function of the Commission.

A unique venture in educational work was the pamphlet in English, Cree and Ojibway distributed to Indian hunting and fishing guides from the Commission's Thunder Bay office.

Case work statistics for the 1971-1972 fiscal year, including complaints based on sex discrimination and handled by the Women's Bureau, show a total of 499¹ formal cases handled, 240 informal complaints, and

¹This total includes 30 cases under the Women's Equal Employment Opportunity Act, April-June, 1972, administered by the Women's Bureau.



Hon. Fern Guindon speaking to Tenth Anniversary Luncheon.

9,785 miscellaneous matters. The last category covers virtually every human rights problem in a societal context, and includes many possible complaints which the inquirer did not pursue further. The figure for miscellaneous inquiries does not include the storefront office, which handled over 1000 problems a month.

Formal employment cases totalled 381, plus 18 under the Age Discrimination Act until its abrogation on June 30. There were 48 on grounds of sex discrimination, starting from July 1, 1972, seven involving application forms and nine concerning job advertisements. There were 32 complaints in the area of public accommodation, covering access to facilities to which the public is customarily admitted, and 61 in housing. These two categories include discrimination expanded to cover sex discrimination.

Most cases were resolved through the conciliation process. Resort was had to Boards of Inquiry in 6 cases; not all were concluded by the end of the fiscal year.

A number of staff appointments have been made since the last issue of *Human Relations*.

Miss Florette Osborne, formerly Regional Supervisor in the Commission's Windsor office, and then Concili-

ation Supervisor, has been named Community and Educational Specialist.

Colm Caffrey, formerly Investigating Officer in the Women's Bureau section of the Commission, is the new Supervisor, Toronto Regional Office.

Mrs. Barbara Justason, a Human Rights Officer, came to the Commission from the Department of Sociology in Education at the Ontario Institute for Studies in Education, where she was the administrative assistant. Her previous positions were in the administrative field. She holds the B.A. degree in sociology from York University. She has combined this work with that of ski instructor for the last ten years.

Naison Mawande, originally from Rhodesia, was educated at Dartmouth College, New Hampshire, the University of Western Ontario and the University of Toronto. He specialized in studies pertaining to government. He worked at the Commission's storefront office, Services for Working People, before becoming a Human Rights Officer.

Jean-Paul Fortier is the Human Rights Officer stationed in Sudbury and covering northeastern Ontario. He was previously probation officer in Kirkland Lake, attached to the Ministry of Correctional Services. He also worked as an attendance officer with the Kirkland Lake Board of Education and acted as a social counsellor for Indian students from Sudbury and the James Bay area. He is a graduate of the University of Montreal.

Norman "Sandy" Anderson, a Human Rights Officer in the Toronto Office, came to the Commission from Metro Toronto's Department of Social Services, where he was Intake Supervisor of field workers. Mr. Anderson is a graduate of St. Mary's University, Halifax, in sociology.

Miss Beverley Johnson occupies the new position of Intake Officer. She was previously in the Ministry of Labour in the Government of Jamaica. She is a graduate of Sir George Williams University, Montreal, and holds the equivalent of an M.S.W. degree from the London School of Economics.

Mrs. Caroline Bell is the new Human Rights Officer in Hamilton. She was formerly with the Department of Manpower and Immigration, at the Canada Manpower Centre in Hamilton. She serves as a volunteer member of a number of community organizations. She is a graduate of the University of Western Ontario in French and Psychology.

Under the university complement waiver program two officers have been appointed.

Bruno Cavion is a Human Rights Officer in the Commission's Thunder Bay office. He taught in Algeria under the auspices of Canadian University Services Overseas, for a year. He holds the B.A. from the University of Toronto in French and Italian and the M.A. in French. He was born in Italy and has lived in Thunder Bay since moving to Canada.

Paul Wrightman is the Human Rights Officer in Kitchener. He is a graduate of Glendon College, York University, in Political Science and English. During his frequent travels around the world he worked briefly in Thailand and Singapore. He is originally from India and had his early education there.

Commissioners' Activities

The **revamped Commission** which came into existence at the beginning of 1972 (as reported in the last *Human Relations*) has gradually asserted its collective identity in new ways, to the advantage of the human rights activities in this Province.

A new policy calls for the **Commissioners** to hold **public meetings** in different regions of the Province. The object is to make the Commission better known and more accessible to community feedback. The first meeting was held in Thunder Bay in April, 1972. The representatives of the public present discussed with the Commissioners a number of topics, including policing practices in northern Ontario towns, relations between police and the native peoples, housing problems of Indian families in the transition stage from Reserve life to integration into urban society, and prior consultation with native peoples affected by large construction projects which would change the ecology of an area and the life-style of the Indian inhabitants.

The Commissioners' next public meeting was held in London, at the end of September, following the Tenth Anniversary Luncheon. Chairman of the meeting was R. D. Johnston, Deputy Minister of Labour. All five Commissioners were present. The Director, Robert W. McPhee, reported on the Commission's prompt intervention to conciliate the friction which had developed between citizens of the Walpole Island Reserve and the nearby town of Wallaceburg with respect to police treatment of Indians within the town.

At the swearing in of Commissioners Kasurak and Currie at the Parliament Buildings, Professor Currie signs the Official Oath Book. Dr. Hill, Miss Kasurak and Mr. McPhee look on. The Clerk of the Executive Council, Mr. J. J. Young (behind Mr. McPhee), who administers oath-taking to those appointed by Order-in-Council, explained that the Oath Book has the text of each individual oath printed exactly as the person uttered it, with his or her signature below, and dates back to 1879.



The representatives of minority group organizations, unions, voluntary social service bodies, educational institutions and concerned citizens discussed a variety of subjects with the Commissioners, including the inadequacy of staff members to cover properly the Province as a whole, the ways the public can influence Government human rights policy through the Commissioners to extend the Code to cover new social areas, the procedures of the conciliation process and of Boards of Inquiry.

The **Commissioners' public activities** have ranged far and wide, thus bringing the Commission to the attention of diverse groups and interests. The Chairman spoke to human rights commissions in Washington, D.C., Connecticut and New York City. To the Industrial Relations Research Association, Hamilton and District Chapter, Dr. Hill aired the matter of the use of "Canadian experience" by employers as a discriminatory subterfuge and he treated the employment theme on Toronto radio station CKEY, concentrating on discrimination as it involves personnel agencies and the role of the Commission. At the national board meeting of the Canadian Civil Liberties Association he spoke of the role of voluntary agencies in the guarding of civil liberties. He explained the new role of the Commission in textbook bias evaluation to a meeting of 100 educational publishers and representatives of the Curriculum Development Branch of the Ministry of Education.

Taking time off from their public meeting in Thunder Bay, the Commissioners visited the Thunder Bay Indian Friendship Centre to meet the staff and examine the art objects for sale. Front row at left is Xavier Michon, Director of the Centre.



He alerted the public, and particularly the hotel industry, to the advisability of increasing the number of employees belonging to visible minority groups in jobs where they meet the public, rather than hiring them only for behind-the-scenes jobs. His remarks were based on a spot check of ten of Toronto's largest hotels conducted by Human Rights Officers, with a particular eye to those acting as managers, cashiers, desk clerks, bartenders and waiters. He said the hotels of Toronto, which considers itself a convention city drawing people from all over the world, should "show in a more concrete way the spirit of the Human Rights Code in their hiring practices." He also urged visible minority members to apply more often for public contact and senior positions in the city's hotels. Dr. Hill's theme was highlighted in the lead article of the June 15, 1972 issue of *Canadian Hotel & Restaurant*, which included a survey of the reactions of Toronto's major hotel managers.

Dr. Hill's appearances also included the law schools of the University of Windsor and Osgoode Hall at York University, high schools, and the Association of Professional Placement Agencies and Consultants. He brought greetings to the annual convention of the Ontario Federation of Labour and to the official opening of a new Hindu temple founded by the Know India Cultural

Society, with the community facilities wing being called India House (Bharat Bhavan).

Commissioner Betcherman is chairman of the Inter-ministerial Committee on the Status of Women Report, which operates within the office of the Provincial Secretary for Social Development.

Commissioner Currie's speech at the annual conference of the International Association of Official Human Rights Agencies was considered a high point of the event.* Dr. Hill and Mr. McPhee were also present.

Commissioner Kasurak of Windsor participated in a seminar at York University sponsored by the Canadian Council of Christians and Jews, a banquet in Winnipeg held by the Ukrainian Business & Professional Association for Ukrainian university graduates, and acted as a judge for the Ford of Canada Man of the Year award, which was made to Mr. Ralph McCurdy for his efforts towards community betterment. She also acted as a moderator at the Heritage Ontario Congress and was guest speaker at the commencement exercises of the Windsor High School of Commerce.

Commissioner Greenaway represented the Commission at the Halifax conference of the Canadian Association of Statutory Human Rights Agencies.

*Copies of his address are available upon request.

A member of the audience at the London public meeting held by the Commissioners asks a question.





This was the mob scene at the departure of the total Commission professional staff for the Annual Staff

Meeting at the Government's Staff Development Centre on Lake Simcoe.

OTHER PUBLICATIONS OF THE ONTARIO HUMAN RIGHTS COMMISSION

- **Special Announcements** A newsletter issued four or five times a year
- **The Ontario Human Rights Code** The text of the Code
- Ian A. Hunter, "The Development of the Ontario Human Rights Code: A Decade in Retrospect," *University of Toronto Law Journal* (1972).
- **Your Rights Are Protected** A brochure describing the Commission's functions, intended for the general public
- **Guide for Employers Regarding Employment Application Forms and Interviews under the Ontario Human Rights Code** A brochure intended particularly for employers and employees, which includes a chart giving the questions which are lawful and not lawful, before and after hiring
- **Guidelines—Age** A brochure intended particularly for employers, and for employees between the ages of 40 and 65. It describes the specifics and the intentions of the Code's age provisions
- **Serving the Public** A brochure intended particularly for the proprietors of public establishments to which the public is customarily admitted, and for patrons of such establishments. It describes the public accommodation provisions of the Code and responds to possible reactions of proprietors to those provisions
- **The Province of Ontario Welcomes Tourists** A brochure explaining the public accommodation provisions of the Code to tourists from outside the Province as well as the facilities for lodging a complaint
- **Ontario Labour Legislation of Interest to Working Women** A brochure covering, not only the provisions of the Code as they apply to sex discrimination, but also the provisions of the Employment Standards Act and other legislation

HUMAN RELATIONS



PUBLISHED BY
THE ONTARIO HUMAN RIGHTS COMMISSION



Vol. 14 No. 22 December, 1974



Pioneer in Race Relations: Harry Gairey

Articles on . . . Multiculturalism, Employee Benefit
Plans, Flexible Retirement Age

20N
2
15

HUMAN RELATIONS

Vol. 14

December, 1974

No. 22

Published by the
ONTARIO HUMAN RIGHTS COMMISSION

Commissioners:

Lita-Rose Betcherman
Walter Currie
Gordon Greenaway
Valerie Kasurak

Director

Robert W. McPhee

Editor

Harold B. Attin

TABLE OF CONTENTS

3	Message from Minister of Labour
4	Pioneer on Race Relations Frontier
6	Ethnic Pluralism and Social Equality
12	Code and Employee Benefit Plans
14	Toward a Discretionary Work Ethic
18	Commission Roundup
23	Death of Commission's First Chairman

— Cover photo by Wayne Sproul,
Alex Gray Photography.



Ministry of
Labour

Ontario

HON. JOHN P. MacBETH, Q.C.
Minister of Labour

ROBERT D. JOHNSTON
Deputy Minister

Commission Offices:

400 University Avenue
Toronto M7A 1T7
1 West Avenue S.
Hamilton L8N 2R9
560 Wellington Street
London N6A 3R4
824 King Street W.
Kitchener N2G 1G1
500 Ouellette Avenue
Windsor N9A 1B3

2197 Riverside Drive
Ottawa K1H 7X3
1538 LaSalle Blvd.
Sudbury P3A 1Z7
125 Brock Street
Sault Ste. Marie P6A 3B6
435 James Street S.
Thunder Bay P7E 6E3
808 Robertson Street
Kenora P9N 1X9

Services for Working People
357 College Street, Toronto

Articles by outside authorities, who are not on the Commission staff, express the opinions of the writer and do not necessarily represent Commission policy or thinking.

Subscriptions to *Human Relations* are available gratis upon request. Articles may be reprinted upon receipt of permission. All communications and comments should be addressed to the Editor in Toronto.



Frame from Commission's TV commercial "Forest Fable"

A Message From the Hon. John P. MacBeth Q.C., Ontario Minister of Labour



I am pleased to have the opportunity to greet the readers of *Human Relations*. It has been a source of satisfaction to me that, in taking over the portfolio of Minister of Labour in succession to Mr. Fern Guindon, I have assumed responsibility for a government agency as widespread in its influence as the Ontario Human Rights Commission.

I assure all those concerned for human rights in this Province that I will do all in my power to protect the integrity of the Ontario Human Rights Code and the efficacy of its administrative implementation.

One cannot but be aware of the important role of the Code in the social context of today and tomorrow. We are today a multicultural society set in a world in which race relations are often in turmoil. Ontario's social composition has changed sharply in a comparatively short time through immigration and internal migration. Resulting social stresses require to be handled. We shall not be deterred by the occasional expressions of polarization from following that middle course which adapts with all deliberate speed and which relies on the goodwill of all reasonable citizens and residents. Such a course guarantees a broad consensus supporting human rights policy as it evolves with time.

In this setting the basic principle enunciated in the preamble of the Code takes on all the more significance:

It is public policy in Ontario that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin.

A Pioneer on the Race Relations Frontier

By Kay Livingstone

Harry Gairey looks back on some 60 years of Ontario race relations and the struggles along the way before an awareness of "intergroup relations" came to make the road easier.

(see cover)



"The Black man, immigrant or native, was considered the low man on the totem pole" recalls 74-year-old Harry Gairey of his first years in Ontario. He is thinking of the World War I years and the 1920's.

Born in Jamaica, he came to Canada in 1916 from Cuba where his parents had moved when he was five, in search of a

better life. The young Harry was a skilled cigar wrapper when he arrived in Ontario, but the eager, soft-spoken Black youngster could not get a job of any kind, except as a "boot black". Then he discovered the one, standard opening, railway menial jobs. So began the long career "on the road". He started as a dish-washer on the Grand Trunk line between Montreal and Windsor, earning thirty dollars a month.

In his quiet way Mr. Gairey recalls becoming a porter. "I hated it at first. The hours were long, the pay was poor, the many days away from your family. On my first trip out to the coast I was so tired at the end I couldn't even keep a proper count of my linen. But when I realized this was the only job this country was going to offer me, I decided to be the best porter I could."

Advancement was non-existent. "It was a one-way street kind of job. You joined as a porter and fifty years later you were still a porter, no matter what your qualifications or educational background. You couldn't be a

news agent, a waiter, a cook and certainly not a conductor."

Mr. Gairey did break away from the railroad but circumstances forced him back more than once. He took pleasure in cooking and wanted to have his own business. And so, at the age of 21, he opened a restaurant on Toronto's Duncan Street. After two years he joined with a friend and opened a larger restaurant on Queen Street that could seat 100 people. But after seven years he had to close and go back "on the road".

He has many memories of the Black men who "ran on the road" with him. Most had other skills but the climate of discrimination meant that they had no opportunity to use them. Eventually they were able, by dint of hard work, to buy their home and secure a good education for their children. But that was long after the Depression. Mr. Gairey has a vivid expression, "The Depression linked arms with my family". He recalls the long travail. "Those were hard times. I was out of work for four years. It nearly killed me when I had to go on relief. First we spent all our savings; our son was only two years old. I walked the streets of Toronto for months but I couldn't even beg a job. I was foolish, too proud to go on relief. But finally I had to."

Some months later he got a job as a porter with the CPR. When World War II broke out the situation of porters began to change. There was a manpower shortage as both white and Black Canadians went off to war and porters' jobs became integrated. Even then, "white men with little experience were placed ahead of us who had years on the road."

But with the 1950's came new legislation against discrimination in employment. About the same time Mr. Gairey became an instructor of new porters.

During the years on the road, his interest in business took another form, joint investments. "On the train going to Ottawa, at ten o'clock one night, ten of us started the idea of depositing five dollars each payday, banking the money and thus forming an investment group." It took three months to find the men who would sacrifice immediate use of the money. The Community Trading Company was formed and was later made a limited company. It concentrated on real estate investments, in Toronto and outside, and obtained a decent return.

Mr. Gairey assesses himself as an investor. "I can organize and make suggestions but I become too sympathetic. You have to be cruel and ruthless."

His own instinct for making things better for everyone led him into community work. He was one of a group

Kay Livingstone is a performer on radio and television and an active member of the Toronto black community. She was the Ontario Chairperson of the National Black Coalition, a theme moderator at the Heritage Ontario Congress, the founding president of the Canadian Negro Women's Association, and a member of the World Council of the YWCA. She is the mother of five children; her husband, George Livingstone, is a general contractor in Toronto. Mrs. Livingstone's father was an assistant judge in the London juvenile court and the founder of the London bi-monthly *Dawn of Tomorrow*, now in its 50th year.

Ethnic Pluralism and Social Equality

By Raymond Breton

Considerations on the road to answering the question of whether there should be policies and programs providing support for ethnic solidarity.



The multicultural activities of the federal and provincial governments have raised the question of the desirability of encouraging ethnic diversity and whether or not such activities will have detrimental effects for the country as well as for the ethnic groups themselves. A variety of concerns are expressed: that such policies can only contribute to

dividing the country; that they will preserve unadapted cultural heritage; that they will encourage ethnic seclusion from the rest of the society; that it will prevent the full participation of people of various origins in the institutions of the society; that it will foster existing prejudices in the majority group; that it will maintain patterns of social inequality. The more pessimistic see complete assimilation as the surest way of preventing prejudices, assuring equality and full citizenship.

The opposite line of reasoning includes arguments about the possibility of a strong loyalty to Canada while preserving an ethnic identity; that diversity and unity are not incompatible; that ethnic cultures are not necessarily maladaptive, that, on the contrary, they sometimes can facilitate participation and mobility into the institutions of the society; that, if prejudice exists, attempts must and can be made to improve the social standing and the social acceptance of the various ethnic groups; that the level of tolerance in our society can be increased so that diversity is accepted and becomes embedded in our culture.¹

Dr. Raymond Breton is professor of sociology at the University of Toronto. He taught previously at the University of Montreal, McGill University and Johns Hopkins University. He is a Fellow of the Royal Society of Canada and Editor of the *Canadian Review of Sociology and Anthropology*. His many papers, publications and research projects have dealt mainly with ethnicity, ethnic pluralism, immigrant absorption and the sociology of educational institutions. He is a native of Saskatchewan and a graduate of the University of Manitoba, the University of Chicago and Johns Hopkins University. In August, 1974 he read a paper at the eighth World Congress of Sociology, held in Toronto, entitled "Types of Ethnic Diversity in Canadian Society".

A rapid overview of the kinds of arguments brought into the discussion reveals the complexity of the issue. The problem has many facets. In addition, the "ethnic reality" itself is far from being simple. Each ethnic collectivity in Canada presents a particular historical pattern of migration, settlement and adjustment and a complex configuration of cultural characteristics. And these patterns and configurations are different from one ethnic collectivity to another.

A starting point of this essay is that in order to analyze policies that may have an impact on ethnic collectivities, their individual members and their social organization, some consideration must be given to the variety of conditions that can be encountered in the "ethnic reality". There is not a single type of ethnic context nor a unique kind of personal situation to deal with. Within this perspective, I will examine the matter of the deliberate maintenance of ethnic solidarity, in relation to social equality. This is perhaps the most debated aspect of ethnic pluralism in our society. Some of the questions raised have to do with whether or not the chance of upward mobility is lower among those who preserve their ethnic identities and culture. Is assimilation the best way of reaching equality among people of different origins, even if it takes a few generations to achieve it? Are attempts at multiculturalism detrimental in the long run even if they can have short run benefits? There is, of course, no simple, straightforward answer to such questions, as the continuing debate clearly indicates. Nor is it my pretention to end this debate with a conclusive argument. I simply wish to bring a few elements to the discussion that may contribute to the clarification of the issue.

It will first be argued that the basis of ethnic solidarity can and does vary from one ethnic group to another, as well as from one segment of an ethnic collectivity to another. That is, an attempt is made to identify what can hold a collectivity together; what constitutes some of the main reasons for forming associations and for various other manifestations of cohesion among people of the same ethnic origin. Having identified a few bases of solidarity, the possible relevance of such solidarity for social equality and full social participation will be discussed briefly.

In this essay, the notion of equality is meant to apply beyond the economic domain. Income and occupational stratification are indeed important, but stratification based on sentiments of cultural superiority and inferiority

¹Porter (1969, 1972) and Vallee (1969) have raised many of the difficulties and contradictions of pluralism policies in relation to socioeconomic equality. See Burnet (1973, 1974) for a discussion of some of the arguments put forward.



Possible relevance of each type for equality

In examining the policies and programs of governments and of private agencies and groups that may have an impact on the degree of ethnic solidarity, the variations in the basis of such solidarity should be taken into account. The impact of policies and programs will depend in part on the kind of process it affects among the members of an ethnic collectivity. There is, first, a question of delimiting the true "target population" of a particular program and, second, a question of assessing the actual impact. These are of course questions for research that cannot be answered simply by speculation. A few variations in the processes that can occur when different bases of solidarity are involved can be hypothetically indicated.

For instance, in the case of adaptive solidarity, it has been shown in a number of studies that the immigrant community is one of the most efficient agencies of acculturation of the newcomers. This is largely where they can find the social and moral support necessary to cope with the trying problems of adaptation. It seems that community activities and self-help programs have positive effects at least in the short run. It is possible that the long run effects are negative in the sense of maintaining poorly adapted cultural traits or of secluding the ethnic community from the mainstream of the economy into limited socioeconomic networks and restricted channels of mobility. The possibility is there, but the main problem is that without an adequate adaptive milieu, both the immigrants and the receiving society will be worse off *and* that in most cases there does not appear to be a good substitute for the immigrant community in providing such a milieu. It constitutes a real resource that it would be foolish to attempt to destroy; it may even be wise to try to make better use of it. From this perspective, a different kind of problem can be raised. Noting that all immigrant communities are not all equally successful in their adaptive role, it may be well worthwhile to find out more about the variations among them in this regard so as to be able to improve the relevant aspects of their social organization. This may

strengthen ethnic solidarity but in a way that will be beneficial.

Ideological solidarity, that is the solidarity based primarily on the sharing of a religious doctrine or a political cause, raises somewhat different kinds of problems. It seems that the main one has to do with whether or not the doctrine or the cause requires for its realization social seclusion or a social organization at the margin of the society. If there is such a requirement specified by the doctrine itself, then such solidarity is not conducive to the integration into and mobility within the socioeconomic institutions of the society. The existence of a large number of such communities may indeed pose a serious problem for the society as a whole.

But whether isolationist or not, ideological solidarity may raise another kind of problem if the ideology opposes the basis of some of the institutions of the society. But, given the fact that governments and other interested groups try hard to prevent immigration that would give rise to such solidarity, whether or not it should be encouraged is not really a social issue. In any case, if the solidarity of an ethnic group had such a basis, the members of that group would be subject to much opposition which would in all likelihood have a negative impact on their social mobility.

When discussing the question of the maintenance of expressive solidarity (and of the forms of ideological solidarity which do not involve seclusion or an opposition to the societal institutions), it is useful to consider the main problems raised by the opponents of any support to ethnic solidarity.

On the one hand, it is argued that the maintenance of ethnic solidarity can be detrimental to upward social mobility and equality by perpetuating cultural backgrounds that are either unadapted to our socioeconomic system or, because they are significantly different from the dominant culture of our society, makes the integration of people with such backgrounds much more difficult. The emphasis is placed on factors such as the values,



the language, and the social organization of the ethnic collectivity. It is argued that encouraging such cultural elements is encouraging impediments to mobility.

There may well be some validity to this argument, but several considerations can infringe upon it.

(a) Ethnic identity is not necessarily tied to a distinctive culture. The feeling of belongingness can be based on the recognition of a common origin or on sustained patterns of personal relationships. A certain feeling of distinctiveness may exist but based on the notion of a cultural background more than on a contemporary reality.²

(b) The culture that is perpetuated in an ethnic group may be based on its history as a collectivity not only in the country of origin but in Canada as well. The solidarity that results from the sense of a common experience, past and present, is not at all incompatible with the technological culture of an industrial society. Nations, regional and urban communities can manifest a fairly strong solidarity based on the events, internal conflicts, achievements, collective memories and so on that shape what will be felt as a distinctive experience and yet be thoroughly industrialized. The same can be the case with ethnic collectivities. Solidarity is then based on a socio-historical identity rather than on objective cultural differences.

(c) An ethnic group's culture is not necessarily unadapted and, if it is, it need not remain static. It can change as circumstances change. In fact, there are probably few ethnic groups whose culture has not changed considerably as a result of adapting to the conditions in Canadian society. However, it must be recognized that a considerable degree of variation appears to exist among ethnic groups in this regard. Some seem to exhibit a high adaptive capacity while others, although changing, seem to hold more firmly to traditional values and cultural patterns that hinder their adaptation.

Thus expressive solidarity may exist within the context of a technological culture. Moreover, a particular

ethnic cultural heritage may prove to be highly adaptive in the technological environment. But, if the solidarity exists on the basis of a tradition that is seclusive and thus restricts participation in the institutions of the society, then its maintenance does raise problems and it appears doubtful that it should be maintained.

Another view is that there are in the majority segment of the population preferences for people with certain cultural characteristics while others are found to be less desirable and sometimes outright objectionable. In some cases, cultural differences, whatever they are, are not tolerated; conformity or visible efforts towards conformity are what is expected. Such attitudes go hand in hand with a desire for rapid assimilation. Any program seen as preserving cultural differences, especially the undesirable ones, is likely to be rejected. If such a possibility is in fact the case, it is quite likely that the maintenance of ethnic differences will accentuate the difficulties of people of certain origins and thus be detrimental to the attainment of equality.

The relevance of such attitudes stands out when placed in the context of control solidarity discussed earlier, that is, solidarity based primarily on the purpose of controlling access to capital, jobs, housing and so on. For reasons already mentioned, such solidarity tends to be accentuated in periods of economic slowdown when the valued resources become relatively more scarce. If there are ethnic cleavages in the society accompanied by attitudes rooted in a more or less prolonged history of ethnic antagonisms, then competition and attempts at excluding competitors will tend to occur along ethnic lines. Or, if the level of tolerance for differences (ethnic, linguistic, religious, etc.) is relatively low, those who can easily be identified as "strangers", or "intruders", will tend to be the object of exclusion from access to the more valued opportunities. Or it may suit the interest of a number of employers to maintain cultural differences or at least the idea that such differences exist and that, because of their culture, members of certain groups are less adapted and less adaptable.

²The distinction between ethnicity and culture is well argued by Barth (1969)



If such attitudes and propensities exist, then it can reasonably be argued that the maintenance, let alone the encouragement, of ethnic solidarity will be detrimental to the mobility of members of certain ethnic groups. But it can also be argued that if such negative attitudes exist, we are faced with a "heads-I-win-tails-you-lose" situation. Indeed, on the one hand such attitudes will tend to cause socially identifiable ethnic groups to be the object of exclusion; on the other hand, such attitudes are likely to make impossible or at least very difficult the assimilation that would eliminate ethnic groups as socially identifiable groups.

In other words, in a benign environment, ethnic expressive solidarity would be able to flourish without bringing about restrictions on mobility. In a less benign or in a definitely hostile environment, raising the question of the encouragement of expressive solidarity seems to be somewhat out of place; it sounds superfluous. The real issue from the point of view of the society and its institutions in such a case is the one of civil rights and their implementation; from the point of view of the ethnic group, the question is the support of defensive solidarity.

If the solidarity of an ethnic collectivity is rooted in the need for self-protection or for the realization of its rights, it appears difficult to argue that it should not be supported and that corrective measures aimed at the social promotion of that collectivity should not be taken. Here the debate should properly turn around the effectiveness of the means adopted. It is not the aim here to discuss the various kinds of means that could possibly be used. Two considerations that appear to be crucial should be mentioned: (a) strategies and tactics that are likely to backfire in the sense of generating further retaliatory exclusion from access to the opportunities sought are obviously ineffective;³ (b) withdrawal, self-ghettoization, excessive cultural conservatism leading to isolation, are not likely to give any positive results either. It should be emphasized, however, that except for ideological communities which have opted for partial or complete withdrawal from the rest of the society, ghettoization is more likely to have been imposed by others (or to have been so at one point in the history of the collectivity) than to have been self-imposed. Such defensive solidarity is easily understandable. Moreover, it seems that a discussion as to whether or not it should be encouraged is entirely inappropriate. When defensive solidarity is involved, the order of causality must not be ignored. It is not that kind of solidarity that initially restricts institutional participation and social mobility. It is rather the reverse that seems to be the case: the experience of exclusion and of restrictions is the strong impetus for social solidarity.

Should ethnic solidarity be supported?

Should there be any policies and programs the result of which is likely to provide support for ethnic solidarity?⁴ The view I have tried to put forth is that, at the

very least, there is no simple answer to such a question. In some instances, it appears that such support is required: it is so with the solidarity based on adaptive and defensive needs. In other instances, it is definitely not acceptable as in the solidarity for exclusive control over resources. Finally, the case is ambiguous with respect to expressive and ideological solidarity in the sense that it depends on the specific forms in which the solidarity manifests itself.⁵

The assumption underlying the above discussion is that social solidarity, whatever its basis, is a potential resource. It is an asset that can be mobilized for certain objectives. Whether or not it should be mobilized depends in part on the nature of the objectives. It depends also on the effectiveness of particular programs in relation to the costs entailed; it depends, as already mentioned, on whether the direct or indirect encouragement of ethnic solidarity and its expressions backfires and thus turns out to be counter-productive.

Moreover, particular programs will not have the same impact for all the members of a given collectivity: it is important to make sure that what is beneficial for some does not turn out to be detrimental to others. Finally, it is important to distinguish between the intention of a policy and the related programs and the actual impact. The distinction between anticipated and unanticipated consequences of purposive action is not a new one; but it is a crucial one. Programs may not have the effects that they were intended to have.

One conclusion is that policy formulation in this area should follow a careful examination of the bases of solidarity that actually exist and to follow up carefully on the actual impact. Another is that in order to assess the impact of activities supporting ethnic solidarity on the social mobility of ethnic collectivities and their participation in the various institutions of the society, it is important to take into account the whole package of governmental and non-governmental programs that have a bearing on ethnic solidarity. Indeed, since solidarity can have diverse bases and since there is a considerable range of supportive as well as non-supportive programs and activities, it seems questionable to focus on one in isolation from the others.

⁵The policy of "multiculturalism within a bilingual context" as stated in the House of Commons in 1971 could have relevance for several aspects of ethnic solidarity. Indeed, the policy indicates:

"First, resources permitting, the government will seek to assist all Canadian cultural groups that have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada, and a clear need for assistance, the small and weak groups no less than the strong and highly organized.

Second, the government will assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society.

Third, the government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity.

Fourth, the government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society."

(House of Commons, 1971)

Several of the programs to which the policy has given rise are listed and described briefly in a publication of the Secretary of State (1973). It should be emphasized that all government programs having relevance for ethnic solidarity do not fall under the multiculturalism policy.

³For a good discussion of the dangers involved in the use of "pressure resources", see Blalock (1967).

⁴Whether or not there should be any intervention on the part of the government is itself an important issue. To argue that certain bases of solidarity can have a positive role and should be supported is not to argue that they should necessarily be supported by the government.



References

Fredrik Barth.: *Ethnic Groups and Boundaries*, Boston: Little, Brown & Co. 1969 pp. 9-38.

Hubert M. Blalock, Jr.: *Toward a Theory of Minority-Group Relations*, New York: John Wiley & Sons, 1967. Ch. 4.

Jean Burnet, "Ethnic Relations and Ethnic Policies in Canadian Society", paper presented at Ninth International Congress of Anthropological and Ethnological Sciences, Chicago, 1973.

Jean Burnet, "The Policy of Multiculturalism Within a Bilingual Framework: An Interpretation", paper presented at National Conference on Education of Immigrant Students: Issues and Answers, Toronto, March, 1974.

Gertrud Neuwirth: "A Weberian outline of a theory of community: its application to the 'Dark Ghetto'", *British J. Sociology*, 20 (1969), 148-163.

John Porter: "Bilingualism and the Myths of Culture", *CRSA*, 6 (1969) 111-119.

John Porter: "Dilemmas & Contradictions of a Multi-Ethnic Society", *Trans. Royal Soc. Canada, Series IV*, Vol. X (1972), 193-205.

Secretary of State: *The First Canadian Conference on Multiculturalism: A Review of Federal Government Programmes*, Ottawa, 1973.

Royal Commission on Bilingualism and Biculturalism: Vol. IV—*The Cultural Contribution of the Other Ethnic Groups*, Ottawa, 1969.

Frank Vallee & N. Shulman: "The Viability of French Groupings outside Quebec", in M. Wade (ed): *Regionalism in the Canadian Community, 1867-1967*, U of T Press, 1969.

Max Weber: *Basic Concepts in Sociology*, (Translated by H. P. Secher) New York: Citadel Press, 1969.

The Human Rights Code and Employee Benefit Plans: A Progress Report

By Robert D. Johnston



The interim Report of the Task Force on Section 4(1) (g) of the Ontario Human Rights Code was released on October 24, 1974. In its 152 pages the Report contains 84 recommendations. A 17-page summary is available from the Queen's Printer or the Information Services Branch of the Ministry of Labour.

At the time of writing, we are receiving public reaction to the Report. This will be examined before final recommendations are made to the Minister of Labour. The legislation which he will propose will very likely include an amendment to the Employment Standards Act giving the Employment Standards Branch of the Ministry of Labour regulatory authority regarding the subject matter of the Report of the Task Force.

It may be of interest to trace the genesis of the Task Force. In June, 1972 the Human Rights Code was amended to add the grounds of sex, marital status, and age to the provisions prohibiting discrimination against employees with regard to any term or condition of employment. A special provision was added to provide for delayed proclamation to that part of Section 4(1) (g) which applies to "any bona fide superannuation or pension fund or plan or any bona fide insurance plan that provides life, accident, sickness, or disability insurance or benefits."

The amendment was not implemented immediately because of the complex nature of employee benefit programs. It was decided to appoint a task force to examine and report on the anticipated impact of bringing the delayed part of section 4(1) (g) into force. The Task Force was appointed in January, 1973 and I was named its chairman.

The members of the Task Force are two representatives of the Ministry of Labour, Miss E. M. Neville, Consultant, Women's Programs Division and Robert W. McPhee, Director, Ontario Human Rights Commission; also D. C. Baillie, professor of actuarial mathematics; Miss Donna J. Haley, Q.C., barrister and Chairperson

of the Pension Commission of Ontario; Mrs. Renate I. Leis, government pension analyst; Miss Ruby E. McLean, school principal and member of the Teachers' Superannuation Commission; Robert A. Nix, Director, Actuarial Services Branch, Government of Ontario; Mr. Lear P. Wood, research actuary in the office of the Superintendent of Insurance.

The Task Force studied many differentials based on sex, marital status and age in pension plans and employee benefits. For example, in the pension area, it is still common to find different pensionable ages for men and women; plans that provide widows' benefits rarely provide widowers' benefits. With regard to marital status, group life insurance plans sometimes provide higher levels of coverage for married than for single employees. About one in three pension plans has maximum eligibility ages for enrolment, so that many older workers who change employers do not have access to pension plan membership. However the Task Force Report notes that there is a trend toward the elimination of these and other differentials based on sex, marital status, and age.

The Task Force Report recommends implementation of the principle of equal employee benefits by April 1, 1975. It is further proposed that section 4(1) (g) be supplemented by amendments and regulations embodying the detailed aspects of enforcement. The members of the Task Force took a pragmatic approach to the complex area of employee benefits, and our Report recognizes the necessity of several exceptions to the principle of equal benefits which, following public response to the Interim Report, could be built into the regulations.

The compass of this article does not permit a detailed listing of these exceptions, but the following review of the three main types of exceptions should provide an idea of the substance of the recommendations.

I — Actuarial Exceptions

Because there are significant sex and age based differences in mortality and morbidity (i.e. illness) it does cost more to provide the same benefits for all employees, if one disregards sex and age. The Task Force Report adopts the general principle that, though these group differences in mortality and morbidity should be allowed for in the overall costing of benefit plans, they should not be applied to individual employees' costs or benefits. In other words, equal benefit levels and equal employee costs are recommended as the usual criteria of



fairness. In general, therefore, any additional actuarial costs due to sex and age that are required to produce equal benefit schedules should be shared by all employees, or else borne by the employer.

The Task Force Report recommends that, in those cases where re-adjustment of traditional plan structure would be disruptive, actuarial differences may be applied to individual employees' benefits *or* costs, but not both. For example, it is recommended that benefits under money-purchase pension plans may continue to vary by sex and age. Unlike the more usual unit-benefit pension plans, money-purchase plans are designed so that the defined contributions from both the employer and the employee are accumulated and then used to purchase an individual annuity. Only six percent of all pension plan members are enrolled in money-purchase and related pension plans. They are popular with small employers because of their administrative simplicity, and the members of the Task Force were concerned that requiring a more complex unit-benefit approach could lead to termination of many pension plans.

II — Needs Exceptions

Many of the differentials in employee benefits plans are based on traditional assumptions about the "needs" of employees. The Task Force proposes that assumptions of need that use the group bases of sex, age, and marital status are contrary to the concept of individual human rights. They therefore propose the general principle that employee benefits should not be awarded on the basis of assumed needs, where sex, marital status, or age are used as an indicator of need. In other words, benefits should either be awarded without any reference to needs, or else on the basis of the real needs of individuals rather than groups.

The Task Force does, however, recognize that benefits may be based on assumed needs in a few cases where these assumptions have wide social acceptability, and where removal of existing benefits could cause hardship. For example, it is recommended that survivor benefits to spouses may continue to be awarded automatically on the basis of marital status. This means that survivor benefits need not be extended to other categories of adult survivors, such as aged parents or disabled siblings.

III — Administrative Exceptions

In general, the Task Force proposes that increased costs or administrative difficulties should not be considered a justifiable barrier to the equalization of employee benefit plans. Some practical exceptions are recommended to modify this general principle where it would conflict with existing legislation.

For example, some briefs suggested that statutory vesting of pensions should be available at age 40 instead of the current 45, because the Code defines "age" as between 40 and 65. The Task Force recommends that the Pension Benefits Act of Ontario be given precedence over the Code, because, if there were different statutory vesting provisions in Ontario, they would conflict with the pension legislation's goal of inter-provincial uniformity.

It is hoped that public response to the Interim Report will be evaluated by the time this article is in print, and that the final recommendations will be of a nature to ensure effective enforcement of the principle of equal employee benefits.

"Human Relations" Reprint

Toward a Discretionary Work Ethic

By J. H. Foegen

In an era when work is again rising in value, here is an examination of arbitrary retirement at a common age.

Work was once compulsory as the price of survival. In the United States at least, it is becoming optional during the normal working years; choice can be seen in refusing overtime, taking early retirement, and in the trade-off between leisure and income made possible by advancing technology. Work should be discretionary after age 65 also; the choice to work should be as much an individual one as the decision not to work.

That all able-bodied persons should work was long taken for granted. Some saw the situation as punishment for sin, the result of banishment from the Biblical Garden of Eden. Even the non-religious saw work as necessary for sustaining life. In the "Third World" today, the fact is still painfully obvious. Even in affluent America, most people work to put bread—or steak—on the table.

Inevitability was often tempered, fortunately, by the view that work was desirable. It helped avoid temptation; many believed that "an idle mind is the devil's workshop." As an alternative to idleness, work provided at least the illusion of accomplishment and thus a reason for being. It could show mastery of a craft, as with a violin maker or an auto mechanic. Work even supplied a basic identity. "Western men have traditionally gone about defining themselves by how they make a living, and the more meaningful their contribution, the healthier their identity, the sounder their sanity."

For many reasons, however, the position of work on the scale of values changed. For better or worse, avoiding sin became less restrictive. In a secular, hedonistic culture, people wanted to be tempted. Mass production reduced the possibility of exercising craftsmanship. Efficiency demanded fragmentation of work. Such pro-

duction, in turn, allowed fewer hours on the job. The identity with work became less obvious.

Despite continuing secularization, industrialization, and fragmentation, though, most people still had to do *some* work. And even that minimum acquired the negative image that remains. Consequently, employees have tried to escape, both during normal work years and as working lives have neared completion.

Pay-for-time-not-worked is a major category of employee benefits. Fourteen paid holidays can be found; 10 are common. Six-week vacations are possible; in fact, vacations are becoming so long they are being split, often into more than two parts. Thirteen-week "sabbaticals", already realized in steel, are sure to increase. Rest periods, the notorious coffee break, and often rampant absenteeism show that escape from the job is a popular goal.

Early retirement can be seen as the ultimate "escape hatch" from a life "submerged" in necessary work. More workers are "opting out." At GM's Syracuse, New York plant, for instance, about 10 per cent of the average blue-collar work force have taken early retirement since a "30 and out" plan went into the contract in 1964. As of October, 1972, a worker could retire as early as age 56, with a \$500 monthly pension, if he had at least 30 years of service. At IBM, some 2,000 people accepted a special early-retirement package in 1971. And in 1972, New York dockworkers won the right to retire after 25 years.

But those who *want* to continue working find it almost impossible because of employers' mandatory retirement policies. Superficially attractive, and often rationalized as opening new jobs and promotions for younger people, at the same time getting rid of organizational "deadwood", they are mainly administrative conveniences for employers.

But despite the short-run appeal of greater leisure due to mandatory retirement, and even to voluntary early retirement, the arbitrary cutoff at a common age warrants new consideration. The merits of *forced* leisure are being questioned.

Part of the questioning can be attributed to the "grass is greener syndrome"; what is on the far side of the fence always seems more attractive. Examples abound. Young people, for instance, allegedly reject religion. But they are simultaneously groping for life's meaning via everything from drugs to the occult to group therapy. In

Dr. Foegen is Professor of Business at Winona State College, Winona, Minnesota. He is a member of the Industrial Relations Research Association, the American Society of Personnel Administrators, and the International Personnel Management Association. He has published many articles in professional journals.

Editor's Note: Footnote citations have been omitted. Readers who wish to have them should write to the Editor. This article is reprinted by permission of the author and of Commerce Clearing House, Inc., publishers of the *Labor Law Journal*. The article appeared in Vol. 25, No. 1, pp. 12-17.

a different area, baking and sewing used to be necessary home drudgery; yet after commercialization removed these burdens, they are enjoying renewed interest as creative folk art. Even though the car had almost made walking and biking obsolete, each has assumed new vitality, aided by the concern over energy, health and the environment. Similarly with work; when demanded, it is abhorred, but when unnecessary or denied, it becomes valued.

Diminishing returns on leisure are possible even before retirement. Many will admit privately that ever-longer vacations are not really welcome; vacation-splitting hints at this. Bored upper-class women channeling their energy into charitable work is added evidence. Currently, not all women entering the labour force *have* to work; many *want* to, as long as the job looks meaningful.

Reactions of the already-retired provide the best clues to date. One study reported "all the retired interviewees, even the homebound ones, are fighting to keep busy". And a worker retired for eighteen months from a Texas instruments facility poignantly summed up his feelings this way: "I'd still be working if I could. It was a routine I've had since I was 22 years old. I don't believe there's one out of a hundred persons happy doing what he damn pleases." He says he buys only eight cans of cat food at a time; "Can't buy too many—won't have anywhere to go in four more days."

If such feelings are aroused by much-criticized "old-fashioned" jobs, future tasks should be even more attractive as mental and creative elements in work are increased. "Job enlargement" and "job enrichment", if more than faddish buzz words, can make work potentially as challenging, meaningful and self-actualizing for the many as it has always been for a favoured few.

Today more than ever, as work becomes less necessary, and as it takes on new significance partly for that reason, it should be allowed to all who are able, with no arbitrary age limits.

One argument supporting this view is that, at any age, a person should be more *able* to do the work. With over half the labour force in white-collar jobs, with physical strength less needed even in blue-collar employment, and with mental capacity more durable than physical ability, jobs are a lot different than when hard manual labour was the rule. For that matter, even *physical* capacity is probably more durable than commonly thought. The United Steelworkers newspaper has hailed one Basco Vasquez, a 93-year-old worker in a Bethlehem Steel rod mill in San Francisco; "last month", it marvelled, "he handled a record 8,600 bars in an eight-hour shift." Despite the probability that the bars were not handled manually, regular work in a steel mill at that age is certainly worthy of note.

Even if not every worker is capable of such performance, retraining for easier jobs is possible. According to the U.S. Commissioner on Aging, this is done in Russia, where, contrary to U.S. practice, the government actually recruits older people, most of the time paying regular wages plus old-age pensions. As a result, "about 53 per cent of Russian men past the age of 65 are still working. There is even a considerable number of 80-year-olds still on the job. And this is better for the health, mental

acuity and personal self-worth of the elderly". (In the United States, according to the Census Bureau, the per cent of men over 65 in the labour force fell from 45.8 in 1950 to 25.5 in 1971.)

In addition to the ability to *do* many of the available jobs, with or without retraining, the developing labour force will eventually *demand* such consideration. As the "money isn't everything" slogan is heard more often, it is debatable whether a money pension will be preferred to continued work. It is more likely that the personal dignity of individual choice will be stressed. Judging by the evidence so far, the new breed of worker will very likely get what it wants.

Another value of many young workers is the small family. Solid evidence is available here. In 1972, the 3,256,000 birth-total was the smallest since 1945. And the country's fertility rate, 2,025 births per 1,000 women, was at its lowest level ever, below the zero-growth rate of 2,100. With fewer in upcoming age groups, the old compulsory-retirement argument of "making jobs for the young" will lose appeal.

Actually, the reverse might be more justified; making jobs for the old could become the most important consideration. "Shortly after the turn of the next century, 50 per cent of the people in the United States may be over the age of 50 and nearly one third of the population could be 65 or older . . . Chronological age will be reduced in significance as *functional age becomes more significant* . . . The quality of public service will deteriorate if the talents of the elderly are not utilized . . . A reversal of values by the end of the 20th century will see an age-centered morality beginning to appear . . ."



Not only will more be able to work after age 65—the cutoff age going back, incidentally, to 1889, when German Chancellor Otto von Bismarck started the first social security system—and not only will the “new labour force” want to decide individually, but it will be costly for society and employers not to allow it. When greater productivity is needed, to cope with both inflation and foreign competition, it is illogical to arbitrarily retire a substantial pool of useful experience and skill. Even allowing for *some* truth in the charges of obsolescence and slowing down, the “know-how” and judgment gained during a working lifetime ought to be at *least* as conducive to productivity increases as the limited skills and sometimes questionable attitudes of younger workers.

Even with a continuing 65-limit, turnover costs have risen as disenchanted early retirees return to work, hired by other firms that still value their skill. “If many companies put in early retirement, there would be one grand round of retirements and hirings going on—all at the unnecessary expense of the economy.” If compulsory retirement were abolished, many workers would probably stay with their long-time employers, and turnover costs should be lower.

Ultimately, because of already existing demographic factors, there will be more older people to be supported

by pensions and social security, and fewer younger people in their prime work years to pay the current bill. Sooner or later, it may not be a matter of *allowing* people to choose to work after age 65; they may be *needed*.

Beyond the physical, rational, and economic considerations, many would argue “It’s just the right thing to do”; comments based on moral, ethical and physiological considerations are not hard to find. A Veterans Administration study has shown that if a person keeps working and feels needed, he may live longer. According to a research psychologist at the Danville, Illinois VA hospital, “If the older individual has a need for the years beyond 70, he will retain competence and live longer.” The U.S. Commissioner on Aging has stated, “Our system of enforced idleness is a cruel way of treating the elderly. Many people are just not ready to give up their accustomed occupations just because they have reached a certain age.” And Senator Young of Ohio, first elected at age 70, pleaded, “For many to whom work is life—and whose way of life, like mine, has been work—this is exile into a limbo of boredom and inactivity . . . Involuntary unemployment in a great and rich nation like ours is a moral wrong which should not be tolerated.”

If all the above arguments are rejected, a new one may be most important in a practical sense: it may not be long before forced retirement, no matter how entrenched the tradition, is declared another form of age discrimination. It is already illegal to discriminate against “older workers”—usually defined as ages 40 through 65—in recruiting, hiring and promoting. (According to the U.S. Labor Department, 36.9 million of the 86.7 million in the current labour force are in this age group. Such discrimination still occurs, of course. In its fiscal 1972 report on the administration of the Age Discrimination in Employment Act, the Department reported 295 employment agencies and 1,003 employers placing discriminatory ads in periodicals. In addition, there were cases of refusal to hire, failure to refer, and denial of promotion.)

If it is illegal to discriminate during these years, then arbitrary compulsory retirement at age 65 or any other given age, *for that reason alone*, demands the same treatment. A worker can no more help being 65 than he can any other age.

Although in a somewhat different area, a class action suit filed in Philadelphia Federal District Court can be seen as an indication of the kind of legal action that might be forthcoming. Four Pennsylvania senior citizens are challenging Section 403 (H) of the Social Security Act, claiming the Act violates the Constitution’s equal protection provision “by granting preference to those who make less than \$1,680 a year and by permitting benefits to be paid to all persons who become 72 years of age irrespective of amount earned.” It also charged that “*equal opportunity of employment*” is denied. One lawyer for the plaintiffs has stated, “They contend that they are, in effect, asking for their own money and that they desire to *preserve the American ideal of working to take care of oneself* and of demonstrating that *even after age 65, the nation not only is in need of their services but they can continue to be self supporting.*”



Summary and Conclusion

Views toward work move in cycles. Originally, work was valued for survival; from this grew a tradition, bolstered later by religious conviction. Later, as economies became increasingly productive, more leisure was possible; work retreated to its present, relatively-less-vital position on the scale of values. But there is no certainty that this is the final position.

Though evidence so far is not abundant, there is indication that work is again rising in value. It can be seen most clearly in reference to the over 65 group, the one with most first-hand experience with 100 per cent unemployment. A 1973 book, for instance, "The Aging Worker and the Union," examines the policies and programs of the AFL-CIO and 12 major international unions in assisting older workers in employment and retirement. A new contract between Xerox Corporation and Local 14-A of the Clothing Workers raises the mandatory retirement age from 65 to 68. Genesco, Inc. has signed a formal agreement to rehire retirees as temporary employees from Mature Temps, an affiliate of the American Association of Retired Persons. Union Carbide rehires, via Olstens of Chicago, to train new employees or to fill in for vacationing workers. And Goodyear Tire has advertised in its employee paper for retirees to work as salesmen in its growing number of service stores. It reasoned that employees who used to make the product ought to be able to sell it. While evidence is fragmentary, and open to interpretation, it might point to a re-evaluation of post-65 employment.

Ideally, a person should have the choice to work or not work at any time. Practically, the option is illusory in the early years, as workers are faced with financing families, mortgages and installment purchases. Even here, there are glimmerings of choice, as in voluntary overtime, moonlighting, and pay taken in lieu of vacations.

Certainly in later years, when the house is paid for, the family raised, and a lifetime of skill and experience accumulated, individual choice as to retirement should be the rule. If a person *wants* to retire, or even to retire *early*, the option should be there. But the other side of the coin deserves "equal time"; if an individual does *not* want to retire, this too should be possible.

Amending the Age Discrimination in Employment Act—and reinforcing it with proper placement, retraining, and attention to physical capacities—could result in great gains in self-realization, productivity and economy. An open-ended extension of the upper-limit definition of an "older worker" could assure future senior

workers the dignified option of deciding for themselves when to end their active work lives. Retirement should be a matter of choice, not chance.

Editor's Note

Of interest are some facts and comments regarding the **Canadian aspects** of the issue of "open-ending" the retirement age, as described in the preceding article.*

The projected changes in Canada's age distribution, as noted in *The Economy to 1980: Staff Papers* (Economic Council of Canada, 1972, p. 35) are shown in the following table:

Changes in Age Distribution, 1950 to 1980
(percentage of total population)

	0-14	15-64	65+
1950	29.7	62.3	7.7
1960	33.7	58.7	7.6
1970	30.3	61.9	7.8
1975	27.9	64.0	8.1
1980	25.4	66.2	8.5

An aspect of the overall picture was provided by the Ontario Minister of Labour, the Hon. John P. MacBeth, Q.C. He predicted that the percentage of a person's life spent at work will be reduced, and he noted a

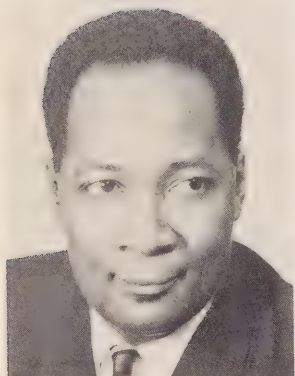
"growing concern about . . . the development of personal potential, job enrichment and the roll of work as a continuing learning process. These are no longer the attitudes of a small sub-culture. On the contrary, they are already having a profound influence on the workplace. It is becoming increasingly important that work not conflict with life style but be an extension of it."

*Also worthy of note are indications that in the U.S. the concern with compulsory retirement has taken concrete expression since Mr. Foegen's article was printed. The U.S. Government achieved a settlement with one large corporation under which the company will pay two million dollars in lost wages to 160 former employees whom it had discharged solely because of their age, when they were under 65. The company will also offer to rehire 120 of them. They range through all levels up to executives who were earning \$40,000 annually. The law states that employees between 40 and 65 years of age can be fired only for deficient performance or other good cause.

On the far side of 65, there has been movement as well. A 70-year-old federal civil servant brought suit on the grounds that the civil service provision of mandatory retirement at 70 was unconstitutional. The American Medical Association joined his suit as *amicus curiae*, declaring, through its counsel, "When you want to work and can't, that's discrimination. Chronological age is an artificial barrier—it doesn't change you from a competent to an incompetent person." He is reported as adding that compulsory retirement can be a prime factor in an older person's physical and emotional deterioration. Conversely, work after age 65 can improve life expectancy, increase physical and emotional stamina, even boost earning power. (*Time*, June 3, 1974).

Commission Roundup

By George A. Brown



A summary of the Commission's development since the last report in the "Commission Roundup" of the August, 1973 *Human Relations* must be characterized above all as a period of **rapid growth**. In order to keep up with the greater demands upon the Commission's four-fold program an **increase in staff** was made, thanks to the Government's recognition of the urgent need and the attendant allocation of budgetary resources. Among the new positions created were: a community relations program supervisor; an education and research specialist; a supervisor for southwestern Ontario with headquarters in London; a second Toronto regional supervisor. An office was opened in Kitchener and another in Sault Ste Marie. The Hamilton office saw a permanent officer appointed; the first incumbent was engaged on a contractual basis.

The **Chairman**, Dr. Daniel G. Hill, **resigned** at the end of 1973 after eleven-and-a-half years as the Commission's first Director and then Chairman. With the feeling of an assignment completed, Dr. Hill has turned to a career as a university lecturer and a consultant on human rights matters.

The impression of a new era beginning is reinforced by the **new classification system** instituted at the beginning of the fiscal year 1974-1975 for the tabulation of complaints. The intention is to reflect more accurately, in statistical terms, the work of the Commission in the Ontario community. Statistics for the fiscal years 1971-1972, 1972-1973 and 1973-1974 are produced in the table below.

In the 1973-1974 fiscal year the division of **complaints by social areas** was as follows: employment 69%, housing 12%, public services and facilities 5.8%, public notices 1.4%, others, 11.8%. The **ranking of grounds of discrimination** in descending order and in terms of their socio-numerical significance, was as follows: race, sex and marital status, national ancestry, age, religion.

Since the last issue of this magazine, three **Board of Inquiry Chairmen's Reports** were received. Two cases were dismissed on the grounds of non-contravention of the Code. The third case was upheld and was the first

Board of Inquiry involving the sex discrimination provisions of the Code.

The last Report assessed general damages to the "complainant for the humiliation and frustration caused by the . . . discriminatory acts . . . [which] impose upon women a feeling of inferiority . . . no less than that experienced by other groups. Only the most psychologically conditioned to such treatment would not be sensitive to the dehumanizing consequences of being forced to lead severely restricted economic lives."

The highlight of the Commission's **public education activity** has been the making of a **television commercial**. This represented a response to longstanding public urging and the Commission's own conviction that television is the most effective medium in the current situation for achieving a widespread general awareness of the existence of the Commission and the Code. The format chosen was animation and the message took the form of a "Forest Fable" (see photo p. 2). The Manitoba and Alberta human rights commissions have chosen to use the same film, with the necessary changes. In Ontario it will be shown as often, and on as many networks, as funds will permit.

A milestone was the publication of the **Human Rights Code in Italian** translation, the first Ontario statute published in a language other than English and French. It was done because of the large Italian-speaking population in Ontario. The policy was adopted to produce other translations if the need is felt.

The amount of public education activity is constantly on the increase. It covers consultations and speeches involving meetings and conferences held by diverse bodies: labour, management, and professional associations; ethnic, racial, and church bodies; corporations, personnel counsellors, service clubs, schools and colleges, churches, regional and municipal governments. In addition the staff makes broadcasts and writes newspaper articles and letters to the editor.

Some public education **highlights** of the past year are particularly noteworthy. Four officers attended a conference held under the auspices of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and of the Department of the Secretary of State to discuss plans for Canadian participation in the United Nations Decade to Combat Racism and Racial Discrimination. The Commission's Director, Robert W. McPhee, was the only Canadian representative invited to the first Interamerican Conference on Human Rights held in Puerto Rico in April (see photo p. 20).

He organized the panel and chaired a workshop on bias in the workplace for the annual national conference on human relations for labour and management sponsored by the Canadian Council of Christians and Jews. Information Officer Harold Attin attends planning meetings for these annual conferences. Community Relations Program Supervisor Naison Mawande attended another C.C.C.J. conference, on community relations and the administration of justice.

The Deputy Minister of Labour, R. D. Johnston, and Mr. McPhee attended the Canadian Human Rights Ministers Conference in Victoria, B.C. in October. Also of an interprovincial nature was the two-day workshop on serving the needs of native Indian peoples in the north hosted by the Ontario Commission in Kenora for the human rights commissions of Manitoba and Saskatchewan. Discussions departed from the fact that native peoples are not as complaint-oriented as other minority groups and hence it is necessary to conceptualize and implement outreach programs.

Mr. McPhee was one of two invited Canadian representatives at a consultation on human rights held under the auspices of the World Council of Churches in Austria in October. There were participants from 50 countries studying the United Nations Universal Declaration of Human Rights to provide guidance for the position to be taken by the World Council which, in turn, will affect United Nations action in the human rights field. In the course of this trip Mr. McPhee also consulted with the Race Relations Board and the Community Relations Board of Great Britain in London.

I represented the Commission at two conferences in the United States, one held by the International Association of Official Human Rights Agencies, in Washington, and the other by the National Association of Human Rights Workers in New York.

The close contacts between the Commission and the Association of Professional Placement Agencies and Consultants were maintained. Mrs. Barbara Justason spoke to an APPAC conference on the handling of discrimination problems. Mark Nakamura, Southwestern Ontario Regional Supervisor, and Mrs. Caroline Bell, Hamilton officer, spoke to regional meetings of APPAC.

Miss Anna Whitley, Ottawa officer, acted as a resource person to the United Council of Filipino Associations at their Conference on Multiculturalism. Legal Advisor Professor Ian Hunter spoke to a dinner meeting

of the United Nations Association celebrating the 25th anniversary of the Universal Declaration of Human Rights. The former incumbent of the education and research specialist position spoke to the National Conference on the Education of Immigrant Students held by the Ontario Institute for Studies in Education.

The American Management Association was given a description of the Code as it applies to employers in two sessions by Toronto Regional Supervisor Colm Caffrey. Mr. Attin is a member of the Information Officers Forum of the Ontario Government and attended its meetings and a week-end seminar on two-way government communications with the public.

Mr. McPhee and I were consulted on two occasions by Australian officials regarding their contemplated human rights program. A member of the Australian Attorney-General's office examined our legislation, our overall philosophy and procedures on a tour of British, Canadian and American human rights agencies. The Director of the Ecumenical Migration Centre of the Council of Churches of the state of Victoria consulted us on our practices in the integration of immigrants for an advisory paper he will present to the Australian Government.

At the public demonstration of the Shromani Sikh Society held in Toronto's city hall square to protest the defacing of their temple and other harassments, Mr. McPhee expressed the Commission's intention to improve relationships between the Sikh community and its neighbours. As a follow-up measure, a letter to the press by Mr. McPhee expressed the view that a spate of violent acts in Toronto against visible minority groups was alarming above all because of the inadequate response of the majority group and the public authorities. The impact of this letter led to his writing an article for one newspaper and being interviewed once on television and twice on radio. Another consequence was the publication of a brochure combining the newspaper article, the responding letters to the editor and questions for discussion groups. Called "Dialogue on Race Relations in Canada", it is available to groups upon request.

Among the **Commissioners'** notable **public engagements** was the address of Dr. Walter Currie, on the employment problems of Indians, to a conference organized by the London and District Labour Council, by the Commission, and by several native Indian organi-

TABULATION OF COMMISSION ACTIVITIES

	1971-72	1972-73	1973-74	Increase or Decrease Rate ('73-'74 over '72-'73)
Complaints	1191	1717	2254	30%
Community Consultation and Problem-solving	651	703	683	-2.9%*
Public Education Activities	116	380	518	36%
Inquiries and Referrals	7713	8807	9446	7%

*decrease due to withdrawal of Women's Bureau from Commission and its transfer to Women's Programs Division, and to heavy workload in complaint-handling.



At the First Inter-American Seminar on Human Rights, held in San Juan, Puerto Rico in April, 1974, Commission Director Robert W. McPhee is in the centre. Others are members of the cabinet of the Puerto Rican Government, a Justice of the Supreme Court, and delegates from Brazil, Argentina and Costa Rica.

zations and the National Council of Jewish Women. Mr. Nakamura was instrumental in organizing this conference.

An educational effort of a unique type was a dinner held in Chatham which highlighted the principle that human rights legislation rests on public support and is generated in the first place by public demand. The commemorative awards dinner was given by the Commission, with Dr. Currie present, in honour of sixteen founders of a Black organization whose efforts initiated a movement which led to the Fair Accommodation Practices Act of 1954, later incorporated in the Code.

Three Commissioners, Dr. Currie, Miss Valerie Kasurak and Mr. Gordon Greenaway attended the 1974 CASHRA Conference in Winnipeg. Miss Kasurak, at the invitation of the University Women's Club and the Windsor Council of Women, was part of a delegation which met with the Mayor of Windsor regarding the appointment of women to city committees. She was a member of a sub-committee of the Canada Pension Advisory Committee which dealt with the participation of housewives in the Canada Pension Plan and presented a report to the Government. She was also invited to write an article for an upcoming issue of *Life Insurance in Canada* on "Why Managers Should Hire Women".

Three Commissioners, Dr. Lita-Rose Betcherman, Miss Kasurak and Mr. Gordon Greenaway, attended a conference called "Women on the Move: An Introduction to Affirmative Action for Women Crown Employees", sponsored by the Women Crown Employees Office of the Ontario Ministry of Labour.

The Commission's **exhibits program** was highlighted by the use of a walk-through exhibit at the Lakehead Exhibition in Thunder Bay, at the Central Canada Exhibition in Ottawa and at the Western Fair in London.

The community relations function has remained at the high level of activity which was reported in the previous issue of *Human Relations*, as the table printed above indicates. There were 94 ongoing community projects and 589 community consultations in the last fiscal year, involving police and educational authorities, and ethnic, religious, labour, industry and welfare organizations.

Examples of community problem-solving have been of considerable public interest because of the unique nature of the overall concept, in the framework of government programs. Here are some illustrative cases.

A major ongoing project involves the police and arises from the intensive relationships between police and immigrant communities. Mr. Mawande and I work both with the ethnic and racial groups and with the police through the Police Complaint Bureau, the Police College, in-service police training courses and seminars arranged by the police community relations officers. Through all these channels we explain the practical consequences of different cultural backgrounds, to sensitize police at all levels to the viewpoints of immigrant groups. To the latter, we explain the role of the police in the Canadian way of life. We bring together police representatives and ethnic groups' organizational representatives for mutual airing of grievances and explanations. Concrete results have become visible, for example in the fact that complainants now come to the Commission upon recommendation of police officers.

One case was initiated by the Canadian Red Cross Society which requested Commission assistance because it was not reaching ethnic communities with its programs. An education specialist counselled the organization on new approaches which would also avoid offending cultural norms and values.

A large-scale community problem-solving project was

the Commission's role in the issue raised by recorded telephone hate messages extolling "white power" and urging that Blacks be returned to their country of origin and that laws be passed to regulate inter-racial marriages. In 1973 such messages were available in London and Toronto. The same message was repeated in Toronto in the spring of 1974. The Commission's role was circumscribed by two factors: the hate propaganda provisions of the Criminal Code are federal legislation; the Code, in section 1 (2), states that "Nothing in this section shall be deemed to interfere with the free expression of opinion upon any subject". The latter factor does not affect the Commission's ongoing public education program to eradicate prejudice and this avenue was pursued in the case of hate messages. Representatives of the Commission made public statements condemning racist activities and the Western Guard and worked on this problem with the Canadian Jewish Congress and the Ontario Advisory Council on Multiculturalism. We arranged a public meeting held under the Council's auspices, where emphatic expressions of the community's disapprobation were made.

In terms of the community relations function as applied to the activities of extremists, notably the Western Guard, Commission staff worked with concerned citizens, community organizations and the media to mount a campaign which inspired newspaper editorials and media comment. The matter was thus made a public issue. In the case of the London message, there was also an approach and assistance to the political party in whose name the message claimed to speak. The outcome was that the party threatened to file suit to stop two London men from continuing their misrepresentation. This brought the telephone message to a halt.

We also explored the possibilities of action with Bell Canada. They expressed extreme disapproval but asserted that they were limited by their federal charter which forbids them from censoring the contents of customers' communications. This information was then relayed to the individuals and organizations with whom we were working on the problem, the National Black Coalition, the Canadian Jewish Congress, Catholics for Social Change, and concerned Members of Parliament.

Most recently the actions of the Western Guard have been brought to the attention of individual organizations of religious groups and voluntary human rights groups by Mr. Mawande with the suggestion that they express their reaction to the groups attacked and thus initiate dialogue.

During the occupation of Anicinabe Park in Kenora by a group of native Indians, Dr. Currie, Mr. McPhee and I conducted negotiations on the spot with all the parties involved to bring them into face-to-face discussions.

The oldest community project of the Commission is the downtown Toronto storefront office, Services for Working People. In the past year it assisted recent immigrants with problems related to the Ministry of Labour's programs and to government at all levels. In the calendar year 1973 the office handled 8,313 cases, conducted 7,850 personal interviews, 10,235 telephone interviews and general calls and handled 1,400 pieces of corres-

pondence. Languages spoken by the counsellors are English, Portuguese, Italian, Spanish, Greek and Chinese.

The Commission's fourth function, **research**, saw the commissioning of a new project since the last issue. In pursuit of the overall objective of obtaining new information on local situations or province-wide problems and changing social attitudes, a study was commissioned jointly by the Federal Government and ourselves from the York University Sociology Department on "Racial attitudes and discrimination as perceived by Black and non-Black residents in Metro Toronto."

A number of **staff changes** and appointments have been made since the last issue.

Miss Florette Y. Osborne left the Commission to join the Saskatchewan Human Rights Commission.

Naison Mawande was promoted to Community Relations Supervisor.

Mrs. Kathleen Fraser is the Education and Research Specialist. She was formerly with the Canadian International Development Agency in Kenya and worked in community research. She was associated with the Colombo Plan projects in West Pakistan and Sri Lanka (Ceylon). Mrs. Fraser is a graduate of the University of Toronto and holds an M.A. in sociology.

John H. Owen is Northern Regional Supervisor in Thunder Bay. He was previously in business, and before that was agency superintendent with the Indian Affairs Branch of the Federal Government for a number of years. He is a graduate in the social sciences, having studied at the University of Windsor, the University of Western Ontario, and Wayne State University.

Miss Laima Svezda, who joined the staff as a Human Rights Officer, is now a Toronto Regional Supervisor. She was formerly with the Indian Community Branch, Ministry of Community and Social Services. She is a graduate of the University of Toronto in political economy and pursued graduate studies at Osgoode Hall Law School.

Peter Grima is a Human Rights Officer. He is a native of Malta where he worked in business before coming to Canada to attend Simon Fraser University. A graduate in political science, he pursued postgraduate studies at Dalhousie University's Centre for Foreign Policy Studies and at the University of Toronto in political economy.

Mrs. Kim Harris is a Human Rights Officer in Toronto. She was formerly education director with the Miles



for Millions Development Education Program, operated under the aegis of the CIDA. She is a graduate of Simon Fraser University in the social sciences and holds an M.A. in sociology from the University of Toronto.

Ms. Carol Tremaine is a Human Rights Officer in Toronto. She was formerly a teacher of English and physical education, and director of the Indian Friendship Centre in Parry Sound. She was involved in research in inner city human geography for York University's geography department. A native of Windsor, she is a graduate of McMaster University.

James Stratton is a Human Rights Officer in London. He was formerly a special worker with the Children's Aid Society of St. Thomas and worked in a similar capacity for the Government of Alberta. He is a graduate of the University of Guelph and holds an M.A. in philosophy from that university.

Mrs. Barbara Psotka is a Human Rights Officer in Toronto. She was formerly an information officer with the Addiction Research Foundation and a community worker and therapist at Queen Street Mental Health Centre in Toronto. She is a graduate of the University

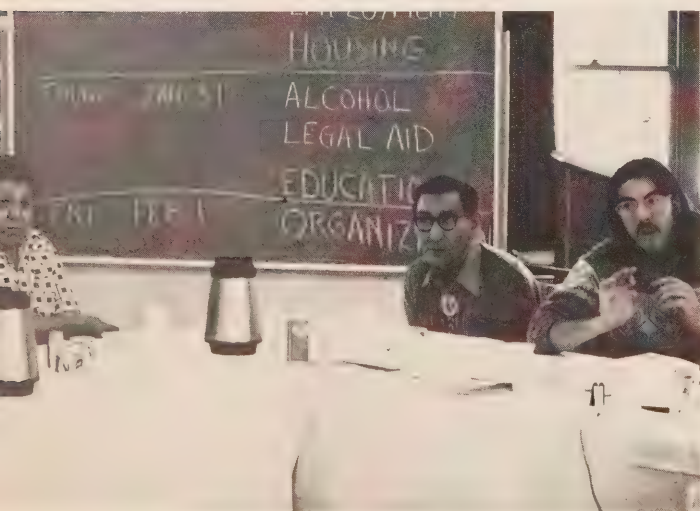
of Toronto in psychology and was a research assistant for the University of Toronto and the Mental Health Centre in applied social and physiological research.

Mrs. Anita Dahlin is a Human Rights Officer in Sault Ste Marie. She was formerly a reporter with the Sault *Daily Star*. She is a history graduate of York University.

Ms. Rose Letander is an officer trainee in Thunder Bay. Her duties include counselling on two half-days each week at the Indian Friendship Centre where she takes human rights complaints from the native peoples. Ms. Letander, who speaks Cree, formerly worked with the Metis Association of Alberta in Edmonton, with the Alberta Indian Development Systems, a government-funded service organization, and with the Outreach Program, a government-funded native Indian job counselling program. She is a native of Peace River, Alberta.

Kenneth McCuaig is a Human Rights Officer in Thunder Bay. He was formerly coordinator of the crisis intervention team at Lakehead Psychiatric Hospital. He is a graduate of the University of North Dakota, with majors in psychology and English. He has done graduate work in psychology at Lakehead University.

The Commission officer in Kenora, Bruno Cavion, was present at a meeting of the northern Ontario chapters of the Ontario Metis and Non-Status Indian Association held at Minaki, where these photos were taken.



Death of Commission's First Chairman



Louis Fine 1894-1975

The Ontario Human Rights Commission mourns the death of its first Chairman, Louis Fine, LL.D., who retired at the end of 1971.

Dr. Fine was renowned as a top labour conciliator on this continent at the time he was appointed the Chairman of the Commission's predecessor body, the Ontario Anti-Discrimination Commission, in 1958.

Thereafter he presided over the Commission's transformed role, beginning in 1962, administering the newly consolidated Ontario Human Rights Code. By the time of his retirement the Commission staff had grown greatly, the Code had been amended a number of times, widening its scope, and the community relations function had risen to first-rank importance.

In recognition of his accomplishments in the two fields of labour relations and human rights Dr. Fine was awarded two honorary degrees of doctor of laws, by the University of Windsor in 1964 and by Trent University in 1969. Another form of recognition was a series of sobriquets, "The Great Conciliator", "Louis the Peacemaker", "Mr. Conciliation", and "Mr. Human Rights".

Aside from his own role in steering the Commission, his very presence as Chairman, and his prestige in the community, facilitated his staff in the Commission obtaining many settlements of complaints which would otherwise have been problematic. Moreover his many acquaintances in the management and labour communities enabled him to initiate matters expeditiously through knowing whom to contact regarding projects of the Commission.

As the Commission's first Chairman, he was preeminently the right man in the right place.

OTHER PUBLICATIONS OF THE ONTARIO HUMAN RIGHTS COMMISSION

- **Special Announcements** A newsletter issued four or five times a year
- **The Ontario Human Rights Code** The text of the Code
- Ian A. Hunter, "The Development of the Ontario Human Rights Code: A Decade in Retrospect", *University of Toronto Law Journal* (1972).
- **Human Rights in Ontario** A brochure describing the Commission's functions, intended for the general public
- **Human Rights in Employment** A brochure intended particularly for employers and employees, which includes a chart giving the questions which are approved and not approved before and after hiring
- **Serving the Public** A brochure intended particularly for the proprietors of public establishments to which the public is customarily admitted, and for patrons of such establishments. It describes the public accommodation provisions of the Code and responds to possible reactions of proprietors to those provisions
- **The Province of Ontario Welcomes Tourists** A brochure explaining the public accommodation provisions of the Code to tourists from outside the Province as well as the facilities for lodging a complaint
- **Film List** A list of films on human rights themes

The look of a multicultural society: pupils at a Toronto public school marking the school's 100th anniversary.
Toronto Star photo.

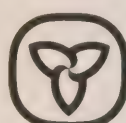


HUMAN RELATIONS

φNL 72
-H85

ANNUAL MAGAZINE FOR 1975
OF THE

Vol. 15, 1975



Ontario

ONTARIO HUMAN
RIGHTS COMMISSION



The Challenge of the Native People: Xavier Michon

Articles on New Public Commission, Affirmative
Action Practices, Hate and Its Control

HUMAN RELATIONS

FOR 1975

Vol. 15

TABLE OF CONTENTS

3	Challenge of the Native People: One Leader's Response
8	New Human Rights Commissioners Take Oath of Office
10	New Role for Ontario Human Rights Commission
12	Hate and Its Control: The Problem and the Law
16	Affirmative Action in Practice: A Prototype for Canadian Action?
21	Year-End News

Articles by outside authorities, who are not on the Commission staff, express the opinions of the writer and do not necessarily represent Commission policy or thinking.

Subscriptions to *Human Relations* are available gratis upon request. Articles may be reprinted upon receipt of permission. All communications and comments should be addressed to the Editor in Toronto.

HON. BETTE STEPHENSON, M.D.

Minister of Labour

ONTARIO HUMAN RIGHTS COMMISSION

Chairman:

Thomas H. B. Symons

Commissioners:

Rosalie Abella
Bromley Armstrong
Lita-Rose Betcherman
Valerie Kasurak
N. Bruce McLeod

Director

Robert W. McPhee

Editor

Harold Brian Attin

Commission Offices:

400 University Avenue
Toronto M7A 1T7
1 West Avenue S.
Hamilton L8N 2R9
560 Wellington Street
London N6A 3R4
824 King Street W.
Kitchener N2G 1G1
500 Ouellette Avenue
Windsor N9A 1B3

2197 Riverside Drive
Ottawa K1H 7X3
1538 LaSalle Blvd.
Sudbury P3A 1Z7
125 Brock Street
Sault Ste. Marie P6A 3B6
435 James Street S.
Thunder Bay P7E 6E3
808 Robertson Street
Kenora P9N 1X9



Challenge of the Native People: One Leader's Response

By Harold Brian Attin

The career of Xavier Michon, Director of the Thunder Bay Indian Friendship Centre, illustrates one approach to solving the problems of Ontario's native peoples.

(see cover)



Does challenge elicit response? Not always, but when it does, the response can be extraordinarily impressive. An example is Xavier Michon, Managing Director of the Thunder Bay Indian Friendship Centre. His mission in life is to deal with the problems involved in all-encompassing cultural transition of people who start from a point of extreme material deprivation. They

are his people and he began where they still begin. In responding to his own challenge to survive he expanded it to include his people and the two challenges have become inextricably bound together in his life.

Mr. Michon is not the kind of man to sit down and analyze his career in this coolly objective way. The needs he confronted, and still confronts daily, are so great that one feels, talking to him, that his reactions were an innate part of his being. He summarizes his biography crisply enough, but he is short on articulated motivations, until questioned about them — and then the internalized experiences of his life are consciously recalled and appraised. His awareness of the plight of his people and his determination to do something about it, one feels, are not an intellectual accretion in young adulthood but were with him from so early an age that he does not need to conceptualize them for himself, but only for others.

Such an approach seems inevitable for a man who began his life in grinding poverty, a member of a racial minority and a posthumous child. His father died shortly before he was born, in 1920. The elder Michon

returned to Hurkett, a town on the shore of Lake Superior east of Thunder Bay, after coming out of the army at the end of World War I. The boy was brought up by his mother, along with an elder brother, on mother's allowance which never rose above forty dollars a month. There was no pension and they never received welfare. Mr. Michon's mother was a status Indian but she had been obliged to leave the reserve when she married because her husband was a non-status Indian. Thus she lost even those meagre benefits.

Mr. Michon recalls, as a child, seeing his mother going out for wood, waist-high in snow. He left school after grade 7, seeing no purpose in education. He was 13 when he and his brother went to Geraldton and then walked 18 miles to get a job at a mine. At the camp they were told "We're not hiring Indians." No one offered to feed them before they turned to walk back. Half way back, the young Xavier could walk no further. A horse-drawn sleigh passed and they asked for a lift. The driver refused because it would strain the horses. The older brother asked if he would just take the younger boy, but the driver refused.

Did the discrimination affect him? "I'm not bitter now, but I was then," he says.

When he was 15 he got a job with a bakery in Port Arthur. He also became a poolroom expert and supplemented his income with his winnings. He was beaten up, when he was 16, by seven white youths and had his jaw broken, simply because he was an Indian. In 1940 he left the bakery to join the army and saw action in North Africa and Italy. He recalls with pride that the members of his artillery company were called "nine-mile snipers." There were a few Indians in the company but Mr. Michon was more vocal than the others when stereotyping or unfair treatment became apparent. When his sergeant said "You should be awfully brave since you're an Indian" he replied, "I'm just as scared as you are." When he was repeatedly given the midnight watch, the time when surprise attacks were most likely to occur, he remonstrated, but to no avail.

Though he was wounded in action, he "felt good in uniform, because we were all dressed the same. I felt more accepted. We were all fighting for the same cause, though I didn't know exactly what the cause was. I had friends in the army."

After the war he returned to the bakery and became a master baker and manager. When people said they would not work for an Indian, he left, in 1951. He



managed to get a job with the Abitibi Provincial Paper Mill by hanging around until he found one supervisor who did not discriminate. Nevertheless, the supervisors encouraged the workers to taunt the two Indians at the mill and, in Mr. Michon's opinion, the supervisors would have fired them if it had not been for the union.

Though he worked his way up from pulling logs to super calendar operator, Mr. Michon gave up the security of the mill job in 1968.

But in the meantime the true vocation of his life slowly emerged. Beginning in 1964 he worked as a volunteer, helping native people and native children. He brought 35 young people together, meeting at the YMCA and at a local church. His mill co-workers mocked his volunteer activities by dancing around him and uttering war cries.

His activities with Indian youth came to the attention of two ladies, Mrs. Irene Smith and Mrs. Mary Anne Baird. "They heard I was an organizer and sincere and asked me to help." With their help he began the Indian Friendship Centre, in a small, 10 foot by 22 foot, red, insulbric building. He crammed 200 youngsters into it at times, and found musicians who were native people.

Then began a strategy which was as astute as it was unexpected, if someone had been observing him at that time and knew of the limitations of his previous experience. "I started a Board of Directors, beginning with the two ladies, to get community support. I also joined every organization I could and I appeared before the others. I had to get community interest and recognition."

In forming the Board of Directors, he asked himself who could help the native people, by virtue of their position and provided they developed an interest, an understanding and a sympathy for the enormous social problems of the Indians. He persuaded the Deputy Chief of Police to become a board member. His reason was that "Indian youth were getting picked up every night for drinking." Native people were often in court cases, and so Mr. Michon got a judge on his board, hoping that this would lead to more sociologically sensitive treatment. Native students had problems in school, and so he got a school teacher to be a board member. In the ranks of local Ontario Government civil servants, he landed an official of the then Department of Education dealing with community programs and the regional officer of the Human Rights Commission. The latter is now the Executive Secretary of the Commission, Robert W. McPhee.

Mr. McPhee recalls that he was repaying a debt because Mr. Michon had been more helpful than any other community leader in enabling him to gain an understanding of the community and its problems when Mr. McPhee opened the first northern regional office.

Also on the Board of Directors went the jail superintendent, recruited because there was a considerable number of native people in jail. Mr. Michon needed furniture for the Centre and so a furniture salesman joined the board. He obtained the furniture gratis.

"I developed every possible angle to educate the community and get it to support the centre." Mr. Michon joined the John Howard Society and the Children's Aid Society because they could help native people. He is still a member of both. He did not have time to join the service clubs and so he spoke to them and obtained funds from them.

The Board of Directors helped him to obtain government funding. The first cheque he ever received, in 1968, was for \$500., from the federal government.

To manage a reduction of the rent on the Centre, he gave a tea for community leaders at the Centre so that they could see that the rent was too high. A group contacted the corporate landlord and succeeded in having the rent reduced to \$50. a month. Once again, citizen support had been mobilized to obtain a desired end.

The teas became an institution. At each successive one, guests could see improvements. Mr. Michon is grateful to the influential people who helped his work. Many of them are still members of the Board of Directors, but it is a mark of the evolution of the Indian community that half of the 12-member board are now native people.

In the late 1960's Mr. Michon visited the reserves on week-ends, driving for as long as eight hours, and covering, in all, a vast half-circle around the Lakehead. He took clothes for the destitute and tried to encourage the people to work on their own community development. In the process he set up links between the reserves and the Centre, so that those who came to Thunder Bay knew that they could go there.

The character of the Centre gradually affirmed itself as it is now: it renders basic social services for those who walk in off the street or come straight from the reserves. In the second stage, it taps into other community resources while bridging the gap for its client group so that they are able to relate to the social agencies and avail themselves of those services. As Mr. Michon tersely puts it, "They don't walk straight into a government office."

The Centre moved into its present building, at 401 North Cumberland Street, on September 15, 1972. (Mr. Michon quotes the date without a moment's hesitation.) The new building began with 18 native youths in hard hats hard at work. There were many battles with contractors who tried sharp practices. The Centre's value is now \$350,000, with only \$49,000. still owing.

Funding is now on a regular basis. The federal Department of the Secretary of State grants \$46,000. annually and the Ontario Government provides program assistance. There is a total staff of 17. (see photos)

Confronting this success story, one is impelled to ask Mr. Michon where he obtained the expertise in what is nowadays called "social engineering". His answer: "You suffer and you get a feel for these things. Provided you don't get bitter and you keep fighting." He does not believe that native people should, in their bitterness, turn their back on white society. He looked right into

the white society for ways to get a better deal for his people, and he endured taunts for the larger good.

His is a centrist position in the current debate among native peoples between those who advocate a return to the ancestral ways and culture and those who would assimilate completely. He believes the former position represents a retreat from the rebuffs of the larger society and that it is not feasible. "There are too few animals now, the waters are polluted, so how can you go back?" He knows that he himself could not survive now where he grew up. "But I *can* survive in this society." On the other hand he believes that the native people can live in the larger society and keep what is best of their ancestral culture.

Thus the Centre's programs are geared to adjusting the native newcomers to white society while providing some cultural patrimony for the youth to use in defining their own identity. They are then able to "live in two worlds" and relate in a healthy way to the dominant culture. Many of the programs have the object of setting a project on which people themselves will work, rather than simply providing them with something. Mr. Michon believes that the former approach changes the people in the process.

The Centre's formal programs — aside from the basic assistance and guidance to destitute individuals and families who require varying kinds of help — have changed with time and needs. Some programs have become viable by themselves and have spun off into independent programs. For youth there are recreational activities of many kinds: a skating rink, athletics, karate, and native cultural programs to enable the young people to "walk the tightrope" between the two cultures. The number of people in these activities varies, as they come and go, but the current maximum is 200. Young people are also taught such subjects as how to act in a job interview.

For the seven to twelve year olds, the Little Beaver group was begun as a pilot project for the development of Indian youth organizations elsewhere.

One program, which is now a separate operation, was the presentation of fashion shows of native costumes. These have toured and won awards at Ontario Place in Toronto, and in Winnipeg and Edmonton. Native people make the costumes. Mr. Michon used to obtain the moose hides from garbage containers and then send them to a tannery.

A court work program counsels individuals in trouble with the law. A housing program has taken on notable dimensions in the last two years. An offshoot organization of the Centre, the Native People of Thunder Bay Development Corporation, now owns 41 houses which are rented to disadvantaged native families who are not yet oriented to urban life. Once they attain a certain level of acculturation they tend to move on.

A ladies auxiliary holds meetings to orient native women to urban society, offering practical help and counselling.

Probably the most widely known aspect of the Centre's activities in Thunder Bay is the craft shop.

which offers what may be the most complete and diverse selection of Indian handicraft goods in the province. All the items are made on a cottage industry basis and brought to the Centre for sale. (see photo)

The Centre's work is summed up in a list of "Objectives" on a sign posted in the building. It reads:

- to provide a meeting place of all native people as they migrate to urban centres
- to provide a means of identity for native people, which all Canadians require, if they are part of a minority group
- to provide a means of orientation to urban life by assisting with counselling, social programs, welfare direction, rehabilitation, job opportunity, and housing affairs
- to provide leadership for youth programs
- to provide an outlet for recreation
- to provide a court worker and youth counsellor
- to provide an outlet for Indian craft goods

Despite the Centre's record of achievement, it, and its Director, have not met with universal approbation. Mr. Michon's centrist position on acculturation has confronted the stance of others and criticism and friction have resulted. How does Mr. Michon feel about it? He remarks, "People who call me Uncle Tomahawk or White Apple don't really know what we're doing. I don't have to answer their charges. I just show my work to whoever wants to see it." He also notes that he has not made himself comfortable as a by-product of his work. "I don't care about money and my family lives very simply."

He is outspoken in defense of his point of view and, as a result, has been a centre of controversy.

The list of his organizational affiliations is nevertheless remarkable. He was President of the National Association of Indian Friendship Centres in 1974 and is president of the provincial association. He is the President of the Native People of Thunder Bay Development Corporation, a member of the Welfare Council of Canada, a member of the task force on native people of Canada Manpower, director of the federal Solicitor General's task force on native peoples, and a member of the Ontario Government's task force on natives and the law.

The list continues: Chairman, Metis and Non-Status Indian Association of Ontario, former President of the Welfare Association of Thunder Bay, member of a committee to develop a half-way house for people coming off the reserves, and member of the Smith Clinic for Alcoholism.

Given the kind of position in the community indicated by this listing of affiliations, does he consider himself a success? He replies, "I don't feel I'm a success until real changes are made to benefit native people. There have been improvements, but not the real changes I'm looking for."

His own efforts to bring about change are not static. One of his future projects is already "off the ground".



The land has been purchased for an educational, cultural centre for native people. This is in contrast to the predominantly service-oriented Centre which now exists. The proposed cultural centre would place all the elements of the intended program in one accessible package.

Native people, as teachers or group leaders, would thus be helping their own people, both on and off the reserves, to reinforce their continuing cultural identity, and they would also help non-Indian people to learn about Indian patterns of thought as an expression of their culture.

The Centre has on its staff a prime example of how much it can help a native person to develop. Ms. Marlene Pierre (see photo) is a winner of an Outstanding Woman Award, an Ontario Government award given as part of the Government's International Women's Year program. The awards are for a "contribution to the cultural, social, educational or public life of the province." Ms. Pierre first came to the Centre when she was 20; she was one of a family of nine children, where there were no resources to keep her in school past grade nine.

Today, at the age of 31, she speaks with poise and knowledgeability. When the evident evolution is pointed out, she admits she is self-educated. She has worked at the Centre for the last eight years. She says, "I do this work because it means so much to me. When I first came here, I saw the problems and how few resources there were for all the assistance that was needed. I saw so much poverty in my family and I had to empathize and do something about it."

She looks back at the many precedents which the Centre has set, and the ability which the Centre's staff

has developed to communicate with government at all levels. "We got the community to be so much more aware of the problems and we have developed a larger number of native people with skills who now generate funds for needed projects, such as aid for post-secondary students."

Her own skills become apparent as she describes her work in administering the housing program. She explains that the funds for the Native People of Thunder Bay Development Corporation come from Central Mortgage and Housing Corporation, under a provision of the National Housing Act which makes monies available to non-profit groups to buy existing houses for rental purposes. There are five other groups, similar to the Corporation, in Toronto, Winnipeg, Edmonton, Calgary and Halifax.

Ms. Pierre notes that there has hitherto been very little money available for improving the houses. However meetings with federal authorities are in process as an expression of the Federal Government's new willingness to assist urban native housing with grants and low interest loans. The final details are also being ironed out for five-year grants, instead of annual ones. This will enable the Centre to plan on a long-term basis.

The families to whom the houses are rented, she explained, turn up every day. The Centre receives calls from families in distress who have come in from outlying localities or from reserves. Many are single parent families on welfare. (While she was talking a mother and eight children arrived on the doorstep in destitute circumstances.)

These families have been driven out by bad social and economic conditions on the reserve, or they wish to relocate in the city to better themselves, to seek jobs and to obtain education. The Corporation has a tenant liaison worker who helps them with their problems.

And how did the busy Marlene Pierre react to the news that she had won an International Women's Year award? "I was surprised and very honoured. My colleagues and close friends drew up my biography. I didn't realize I had done all that until I read it." The award makes her somewhat uncomfortable because she feels her colleagues deserve just as much recognition. Her "surprise" stems from her belief that people usually do not get recognition for big things, let alone "small things".

Xavier Michon notes, with quiet pride, that Ms. Pierre is today a well-respected member of the community in Thunder Bay. He regards her as an important early pioneer of the Centre.

What shall one say of Xavier Michon himself?



Artifacts of the native Indian culture today — close-up view of a counter in the Centre's craft shop.

NEW HUMAN RIGHTS COMMISSIONERS



Taking the oath of office, administered by Mr. J. J. Young, Clerk of the Executive Council (right), is Dr. Thomas Symons, Commission Chairman.

A noted educator, community mediator and public servant, Dr. Symons was the founding President of Trent University. The report arising from the Commission on Canadian Studies which Dr. Symons chaired, at the request of the Association of Universities and Colleges of Canada, is in process of being published.

Dr. Symons' services have frequently been sought in programs and mediations involving French-English relations, multiculturalism, and the native community of Canada. He has served as Chairman of the 200-member Association of Commonwealth Universities and as President of the Canadian Association in Support of the Native Peoples. He is also a founding member of the Canadian Civil Liberties Association.



Caught by the camera as the new Commissioners signed the Oath Book in turn, alphabetical order begins with Mrs. Rosalie Abella.

Mrs. Abella is a practising lawyer, a member of the Ontario Public Service Labour Relations Tribunal, and of the University of Toronto's Academic Discipline Tribunal.

She is an executive member of the National Action Committee on the Status of Women, and an instructor in the Bar Admission Course.

Mrs. Abella is the author of a number of publications on family law and women's legal rights in Canada.



Mr. Bromley Armstrong is a long-time active member of organizations of the black community. He is also an executive member of the Canadian Civil Liberties Association and a past member of the Ontario Advisory Council on Multiculturalism.

He has been a leader in the trade union movement and now publishes the weekly newspaper *The Islander*, in addition to running his own insurance business.

E OATH OF OFFICE

Dr. Lita-Rose Betcherman has been a member of the Commission for a number of years both as a civil servant and now as a public servant. She is the former Director of the Women's Bureau of the Ontario Ministry of Labour.

In 1973-1974 she served as Chairman of the Interministerial Committee on the Status of Women. She is currently a member of the Ontario Press Council and the Education Relations Commission.

Dr. Betcherman is the author of *The Swastika and the Maple Leaf: Fascist Movements in Canada in the Thirties*.



The Very Rev. N. Bruce McLeod is a former Moderator of the United Church of Canada and a frequent spokesman for disadvantaged persons throughout the world on the broadcast media and in the press.

Dr. McLeod has been involved over the past year in the creation of a children's village in Costa Rica.



For completeness here is a photo of Miss Valerie Kasurak. A resident of Windsor, she has been a Commissioner since the beginning of 1972.

She has made significant contributions in many areas of public life. She is currently a member of the Canada Pension Advisory Committee, the Ukrainian Canadian Business and Professional Association, the Windsor Advisory Committee of the Ontario Rehabilitation Foundation, and the Windsor Chamber of Commerce. She is a Director of the Life Underwriters' Association of Canada.

Miss Kasurak was a Canadian representative to the U.N. Commission on Human Rights in New York in 1964 and in Geneva in 1965.



New Role for Ontario Human Rights Commission

By Thomas H. B. Symons



The appointment of new members to the Ontario Human Rights Commission has a significance for beyond a change in faces. It marks the transformation of the Commission from a body that was originally composed of civil servants to one that is now composed entirely of private citizens.

When the Commission was first established in 1962, and for a number of years afterwards, the Commission was well served by members appointed from the civil service who performed this complex and sensitive task in addition to their other responsibilities. The appointment from outside the civil service of Dr. Walter Currie and Miss Valerie Kasurak in 1972 represented the first step towards a fully public Commission. This movement towards a public Commission was also continued in the re-appointment in the same year of Dr. Lita-Rose Betcherman. Dr. Betcherman, who had already served the Commission well since 1967, had then retired as the head of the Women's Bureau and ceased to be a civil servant. With the appointment this past year of Mrs. Rosalie Abella, Mr. Bromley Armstrong, and Dr. Bruce McLeod as members, and of myself as the Commission's first non-civil servant chairman, the Commission is now, for the first time in its thirteen year history, composed wholly of private individuals.

The completion of this transition from an in-house committee of civil servants to the status of a public body composed of private citizens should strengthen in a number of ways the ability of the Commission to protect the human rights of Ontario residents and to respond to changing human rights needs throughout the province. Not only has the number of Commissioners been increased, the Commission has also been made more representative of the people it is intended to serve. Moreover, arrangements have been made to enable the Commissioners to devote more time to Commission work, particularly between meetings.

The objective of the new Commission is to carry out to the fullest extent possible the mandate of the Ontario Human Rights Code as stated in Section Nine: "The Commission shall administer this Act and without limiting the generality of the foregoing, the Commission shall,

- a) forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;
- b) promote an understanding and acceptance of and compliance with this Act;
- c) develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;
- d) investigate complaints in contravention of and enforce this Act."

Public education is one area in which the new Commission has begun to enlarge its role. In the past, this important task fell almost exclusively upon the shoulders of an already overworked administrative staff. A much higher priority will now be given to programs aimed at informing Ontario residents about laws, services, and procedures available to them for the protection of their human rights, and about basic concepts of human rights. For these purposes, all Commissioners are engaged in, among other activities, a busy schedule of public appearances.

A closer working relationship between Commissioners and administrative staff is also being developed. And the Commission is meeting more frequently to deal with the steadily increasing volume of work related to its statutory responsibilities for investigating, settling, dis-

missing, or referring complaints and inquiries from the public.

Among the most important projects undertaken by the Commission in its expanded role as a public body is a thorough review of its legislation (the Human Rights Code), of its functions, and of its working arrangements. A committee chaired by Dr. Bruce McLeod has been set up to make arrangements for this review. Interested members of the public will be invited to participate in the review through briefs and public hearings to be conducted in many parts of the province. The review will examine problems and shortcomings in the present legislation, the possible need for additional grounds of discrimination to be included in the Code, and the proper relationship of the Human Rights Commission to the government. Human rights legislation in other jurisdictions will also be studied.

Since the Ontario Human Rights Code was established in 1962, it has not remained static. Indeed, in the past thirteen years, it has undergone some seventeen amendments in response to changing human rights needs

throughout the province. However, this will be the first comprehensive and public review of the Code since its original enactment.

The new Commission has also undertaken to work more closely with other agencies and departments of the Ontario government and with human rights bodies in other jurisdictions, both in Canada and abroad. A special committee headed by Mr. Bromley Armstrong, for example, has been established to maintain liaison with federal, provincial, and municipal law enforcement agencies, and contacts have been made or strengthened with individuals and groups active in the field of human rights in such diverse countries and regions as the United States, the European Community, the West Indies, Australia, New Zealand, Hong Kong, and Singapore, as well as with human rights agencies in the other provinces of Canada and at the federal level.

Over the years, the Commission has developed a commendable record of service to the people of Ontario. If provided with adequate resources and support, it can, I believe, now make an even greater contribution as a newly constituted public body.



"Human Relations" Reprint

Hate and Its Control: The Problem and The Law

By Ian A. Hunter

Racial strife is becoming more evident in Ontario. Where the hate propaganda provisions of the Criminal Code are inadequate to cope with it, imaginative and vigorous use of other provisions of the Criminal Code could help to curb disruptive practices.



The spectre of racial strife is increasingly darkening the Canadian landscape. Its ugly signs are most visible in the large metropolitan areas: hoardings and billboards defaced by swastikas or "White Power" slogans; a rising incidence of racially motivated assaults; hate literature, growing both in quantity and in the sophistication of its appeal; and taped racist telephone

messages, changed weekly. For many months in Toronto one has been able to "dial a racist" with the same ease as one can "dial a prayer" or "dial a mate", and Bell Canada adamantly claims that there is nothing they can do about it.

The racist telephone phenomenon began in London in December, 1972. The message changed periodically, but always contained a diatribe reminiscent of the Ku Klux Klan. For example, a caller in January of 1973 would have been told:

"The United States is suffering in its large cities from crime and corruption brought about by the refusal of white people to accept black people. This is what the black people would have you believe, but in reality, the black criminals are going out every night and attacking white people and robbing them."

The message went on to warn Canadians to be vigilant

about black crime in our cities, and concluded:

"You must begin to think in terms of your white race...let us believe in our people. Let us stand together as white people. Let us think in terms of our race..."

Within a month, racist telephone messages were available in Toronto and have been a continuing blight ever since. Over the months, the appeal has become less crude, lower key, focusing on legitimate topics of public concern — immigration, unemployment and inflation — but always suggesting racial causes of our common problems. In fact, the subtler racism of recent messages is more insidious and dangerous in its appeal than the blatant crudity of the first London message. Tragically, these phone messages proved to be but harbingers of a diverse and spreading plague of racial incidents that must cause sensitive people to question whether the fabric of goodwill and mutual tolerance from which is woven the Canadian mosaic is unravelling. Consider the following recent incidents.

Item: In January, 1975 two black musicians were shot and wounded by a white gunman outside the Generator Tavern on Yonge Street in Toronto. Police have not denied persistent rumours that the attack was racially motivated. On May 6, 1975 a 15-year-old black youth was shot and killed in a North York shopping plaza. The morning paper, the *Toronto Sun* reported "...police say the night before they were looking for a man who told someone he was going to 'shoot the first nigger' he saw."

Item: In April, 1975 Toronto Mayor David Crombie announced a telephone "hot-line" so that people could report racist messages on public property and city clean-up crews could be dispatched immediately to erase them.

Item: On three separate occasions recently, the Sikh temple in Toronto has been desecrated.

Item: The recent publication of a small, scarcely literate book entitled *Bended Elbow* has riven the Kenora community, causing bitterness between Indians and whites. The book is replete with photographs of Indians lying drunk in city gutters, copulating in public parks, Indian children abandoned while their parents sprawl drunk on a park bench or in an alley. The author explains that her resentment was crystallized by last summer's occupation of Kenora's Anacinabe Park by

Professor Ian A. Hunter is special legal adviser to the Ontario Human Rights Commission and professor of law at the University of Western Ontario.

Editor's Note: This article is reprinted from the *London Free Press* by permission of the author.

the Ojibway warrior society. Public bitterness about this irresponsible "occupation" runs deep in the Kenora community. But ironically, it is the very savagery of *Bended Elbow's* caricature of Kenora's Indians, its unswerving focus on the symptoms to the exclusion of root causes of the problem, that fuels the deep frustration and hostility among militant Indians, and causes them to opt for quick violent action rather than working for peaceful, long-term amelioration.

Item: In Toronto's mayoralty election last year, the candidate who placed second to Mayor Crombie, polling over 6,000 votes, was Mr. Don Andrews, the leader of the Western Guard. This scrofulous organization welcomed the appointment to the Ontario Human Rights Commission of a respected black community leader, Mr. Bromley Armstrong, by throwing a brick through his plate glass office window. Mr. Armstrong has also been sent a one way ticket to Africa and an anonymous death threat. As one would expect, the resort of the Western Guard is always to force, never to intelligence. Its courage falls short of public confrontation; the bricks are thrown under cloak of night, its threats are always anonymous.

Item: An East Indian theatre on Gerrard Street in Toronto has been vandalized on six separate occasions; doors have been broken in, windows have been shattered and, on one occasion, the owner and his assistant were assaulted.

Item: On May 7, 1975 the Chairman of the Ontario Human Rights Commission, Dr. Thomas Symons, issued a press release stating: "The proliferation of publications demeaning Ontario's visible minorities is increasing at an alarming rate". Dr. Symons stated that publications such as the white supremacy magazine *Aryan* in Toronto "...can only serve to damage further race relations which are already tense in many Ontario communities."

Lest one erroneously conclude that the problem of racism is endemic to Ontario, recall that in 1972, after years of inactivity, the moribund Ku Klux Klan was revived in Alberta. Ironically, the Klan achieved a measure of public respectability when it was officially incorporated under the Alberta Societies Act. The incorporating application states its objects, which include preservation of the "...ideals of the white races" and advocacy of "...racial purity among its members".

The Imperial Wizard of the Alberta Klan is a young man who calls himself "The Reverend Tearlach Dunsford-Mac a'Phearsoin." Like its Ontario counterpart the Western Guard, the Klan is unreceptive to public discussion, as I had occasion to experience firsthand in the summer of 1972. I was working on a study of human rights in Canada and, while in Calgary, decided to call on Klan leader Mac a'Phearsoin. He had an unlisted telephone, so I went unannounced to his home, the address of which was filed with the provincial government at the time of incorporation of the Klan. I arrived at a small two-storey house, indistinguishable from a dozen others in the neighbourhood, except that all the blinds were drawn tightly and everything, house, doors, curtains and the picket fence which surrounded the house, was painted white. A very large and intimidating dog made menacing sounds while I stated my business through an intercom located outside the fence. When I indicated that I was doing a study of human rights in Canada and wished to discuss Mr. Mac a'Phearsoin's views and policies, I was summarily ordered off the property.

How can racism be effectively combatted? The Canadian way has always been to smugly deprecate such incidents, to dismiss them as the antics of political lunatics who, like the poor, we seem destined to have always with us, and to downplay their significance, while of course regretting their occurrence. The virtue



of non-response is that it avoids giving racist groups the public recognition they crave and the attention on which they thrive. Yet, given the frequency and virulence of the current spate of racist activity, many people are questioning whether it is reasonable simply to expect the problem to go away if ignored.

Some people, particularly black people in Toronto, have passed the stage of questioning, and are actively organizing vigilante groups for their own protection. This is the great danger — that the patience of the target groups, those who are vilified, harassed, verbally and physically assaulted, wears thin. The danger is that, caught between the unremitting pressure of the extremists and the quiescent complacency of the majority, they will decide to take the law unto themselves and invoke the most ancient of remedies — self-help.

In Toronto, responsible black leaders, close to their community, are convinced that there is a real danger of armed confrontation. The Western Guard have promised racial violence, and this threat has not been disregarded by the more than 100,000 Toronto blacks. George Brown, Assistant Director of the Ontario Human Rights Commission, puts it this way:

"Toronto's blacks, perhaps unlike American blacks before the Civil Rights movement, have not been conditioned by decades and centuries of subjugation to turn inward or to run and hide in the face of violence. Toronto's blacks are mainly from the Caribbean — proud people, used to being in the majority, not easily intimidated. I know that today there are militant blacks — individuals and groups — prepared for any confrontation that might develop. With the current wave of racism, Toronto is a powder keg on a very short fuse. . ."

If violence is to be forestalled, and further polarization of the community avoided, the challenge is to people of goodwill, of whatever race or colour, to find effective means of stemming the growing tide of racism. Unfortunately, this is easy to state but difficult to accomplish. Mayor Crombie's "hot line" is an after-the-fact approach, a band-aid trying to cover a gaping sore on the body politic. I examine below the Criminal Code sections dealing with racist activity. But before legal procedures can be effectively utilized, the conscience of the majority must be aroused to the danger. Otherwise, we shall all be victims of lethargy and complacency. In that prescient book *Markings* Dag Hammarskjöld wrote:

"The madman shouted in the market place but no one stopped to answer him. Thus it was confirmed that his thesis was incontrovertible."

On January, 1965 the federal Minister of Justice announced the appointment of a Special Committee to study "hate propaganda" in Canada. One of the members appointed to that Committee was an associate professor of law at the University of Montreal, Pierre Elliott Trudeau. A decade later, Prime Minister Trudeau and other provincial and federal government officials are under increasing pressure to examine the adequacy of the Criminal Code amendments enacted as a result of

that Committee report. Is the law effective to combat the current spate of racist activity?

In retrospect, the problems which called forth the Committee in 1965 seem comparatively tame. In its report, the Committee documented occasions on which a small amount of anti-Negro and anti-Semitic literature had turned up in scattered areas of Canada, but acknowledged that the situation was "...not alarming" since "...the individuals directly involved are relatively few in number..." and "...none of the organizations represent today a really effective political or propaganda force...". Nevertheless, the Committee concluded that "...it would be a mistake to ignore the potential for prejudice developed by these groups and their continuing 'hate' activities... It is far better for Canadians to come to grips with this problem now, before it attains unmanageable proportions, rather than deal with it at some future date in an atmosphere of urgency, of fear, and perhaps even of crisis."

The Parliament of Canada accepted the wisdom of this advice, acted on the Committee's recommendations, and added section 281 to the Criminal Code. But now that we have legislated against racism, is the legislation enforceable?

The hate propaganda sections of the Criminal Code are relatively straightforward: section 281 creates two distinct offences: advocating genocide, and public incitement of hatred.

To advocate or promote genocide is an indictable offence punishable by five years imprisonment. "Genocide" is defined as killing members of an identifiable racial, religious or ethnic group, or alternatively, deliberately inflicting upon them deprivations so severe as to entail their physical destruction. Consent of the provincial Attorney-General is required before a prosecution can be commenced.

A prosecution under this section will almost certainly fail. Even the most extreme racist propaganda that I have seen in Canada stops short of advocating genocide of racial groups. The Western Guard, for example, have usually talked in terms of "repatriation" of black people in Canada to Africa (conveniently ignoring the fact that many are Canadian citizens and came originally not from Africa but from the Caribbean). Similarly, the membership brochure of the Alberta Ku Klux Klan, while seeking to "...uphold the particular culture of the British white races" tacitly acknowledges the right of other racial groups to live separately but equally in Canada. Thus, neither can be said to be advocating "genocide" within the Criminal Code definition of the word.

At first glance, the second part of section 281, public incitement of hatred, seems to offer greater probability of successful prosecution. This section makes public incitement of hatred against a racial or religious group an indictable offence (in which case maximum punishment prescribed is two years) or a summary conviction offence (in which case maximum punishment is a fine of up to \$500 and imprisonment of up to six months). The election of procedure, whether by indictment or summary conviction, would be at the discretion of the

Crown Attorney. Again, consent of the Attorney-General is a statutory prerequisite to any prosecution.

To obtain a conviction, the Crown would be required to prove several critical elements beyond a reasonable doubt.

(a) The statements were "communicated"; the word "communicating" is given such an expansive definition "...communicating by telephone, broadcasting or other audible or visible means" – that proof of this point should not be difficult.

(b) The Crown must prove that the communication occurred in a "public place", defined as "...any place to which the public have access as of right or by invitation, express or implied." While this would not be difficult to prove in the case of racist speeches in a public park, it would be impossible with respect to telephone messages emanating from a private home telephone.

(c) The statements communicated in the public place did "...incite hatred against an identifiable group where such incitement is likely to lead to a breach of the peace." Again, it will be difficult for the Crown to discharge the very heavy onus of proving that which was only "likely" to happen. The latter point was the obstacle in the one single prosecution (unsuccessful) that has been attempted in the five years since the hate literature section was added to the Criminal Code. A member of the Western Guard, who openly admitted to painting on a hoarding the words "White Power" and was charged also concerning a sign reading "Down with Jews", was acquitted in Provincial Judge's court on the basis that the Crown had not proved beyond a reasonable doubt that the actions of the accused were likely to result in a breach of the peace.

There is one other section, section 281.2 (2) of the Criminal Code, of possible application. This section deals with communicating statements wilfully promoting hatred "...other than in private conversation." But here, in addition to definitional vagaries, a number of specific statutory defences are provided: no person may be convicted under this section so long as his statements can be construed as "...an opinion on a religious subject", or "...relevant to any subject of public interest" and the speaker reasonably believed them to be true (whether or not, in fact, they were true), or if the speaker was referring to the alleviation of problems tending to produce racial hostility against any identifiable group in Canada. Given that doubt must be resolved in favour of the accused, and with the elasticity inherent in such subjectively phrased defences, it is evident that the likelihood of obtaining a conviction under this section is very remote.

What, then, have the hate literature amendments to the Criminal Code accomplished? Precious little, except perhaps to engender a smug feeling of self-satisfaction and false security that the problem has been legislated against. What can they accomplish? In dealing with the current kinds of racist activities, again precious little, as even this brief analysis reveals. Then, must criminal law abdicate, is it wholly ineffective in dealing with this problem?

The answer, in my opinion, is both yes and no. No, because the criminal law is not wholly ineffective, although the hate literature sections substantially are. The sections dealing with causing disturbance in a public place (s. 171), damage to public property (s. 387 and 388), intimidation (s. 381), unlawful assembly and riot (s. 64-70) and others, could, if imaginatively deployed and prosecuted with vigour, assist in curbing some of the disruptive practices of the Western Guard and other racist groups. Too often the government's response to demands for action has been to point out the inherent defects in the hate literature sections without considering the possible application of other Criminal Code provisions: for example, to paint racist slogans on hoardings is to deface public property; to shout racist slogans may be to use "...insulting language...in or near a public place..." and therefore an unlawful disturbance, etc.. Prosecution under these other sections has the additional virtue of avoiding the contentious "free speech" issue inevitably raised by any prosecution under the hate literature sections.

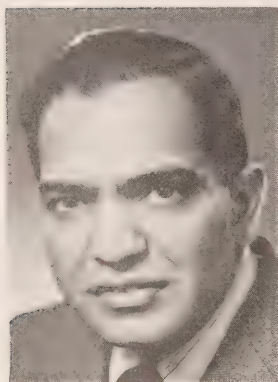
In a more fundamental sense, the criminal law will always be rather ineffective since it ultimately depends for its efficacy on the moral consensus of a society. If the virus of racism has infected the blood stream of the Canadian body politic, haphazard prosecutions won't cure it. If the majority of Canadians are uncaring when minority rights are violated, law will provide at best only a cold sanctuary for the dispossessed. If, on the other hand, the majority in fact cared deeply about minority rights and are prepared in a concrete manner effectively and publicly to demonstrate that concern to minority groups, the necessity of resort to criminal law will be infrequent. Either way, the role of the criminal law is only of marginal significance. At bottom, the issue is the amount of goodwill and tolerance in the Canadian community and that can neither be measured nor demonstrated by resort to criminal prosecution. What Justice Learned Hand once wrote about the spirit of liberty is equally true of the spirit of tolerance:

"...it lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it, and while it is alive it needs no constitution, no law, no court to save it."

Affirmative Action in Practice: A Prototype for Canadian Action?

By Harish C. Jain

In the United States anti-discrimination legislation has had an impact on the utilization of minority groups in employment.



The last two decades have witnessed a growing concern in North America regarding employment discrimination against minority groups. The royal commission reports on bilingualism and biculturalism as well as the report on the status of women have directed attention to the widespread discrimination in the workplace towards Francophones and women.

Similarly, in the United States, numerous studies found a prevalence of discrimination towards blacks, females, and other minority groups. This led the Congress to enact innovative anti-discrimination legislation which has now reached universal coverage, i.e. small employers as well as large ones. The agencies administering this legislation have recently been given wide powers of enforcement. Moreover, the U.S. courts have interpreted the law in such a way that the guidelines issued by these agencies, which favoured the increased utilization of minority groups, have been upheld. This has had a dramatic impact on hiring and promotion procedures and practices by employers.

The U.S. experience might have important lessons for Canada where this type of legislation is still evolving. At the federal level, the Canadian Human Rights Act was

introduced in the latter part of the last session of Parliament. The provinces, which have jurisdiction over ninety percent of Canada's labour force in such matters as human rights, labour management relations, labour standards, etc., are following the U.S. example with great interest.

In this article, the main components of the U.S. Equal Employment Opportunity legislation will be described. The effects of this legislation on the increased utilization of minority groups will be examined. In order to discuss the effects of the anti-discrimination legislation, the processes used to implement it will be analyzed. These processes are (a) goals and quotas, (b) negotiated, out-of-court settlements with big and visible employers, and (c) Supreme Court cases regarding staffing practices by employers.

The U.S. Equal Employment Opportunity Legislation

Essentially, there are three main components of the U.S. federal equal employment opportunity laws and regulations.

- 1) Title VII of the Civil Rights Act of 1964, as amended in 1972,
- 2) Executive Order 11246, as amended by Executive Order 11375,
- 3) Equal Pay Act of 1963 and its extended coverage of executive, professional, and administrative employees passed in 1972.

Each of these will be described below.

1) The Civil Rights Act

The most significant federal law against employment discrimination is Title VII of the Civil Rights Act of 1964. That law prohibits employers, unions, employment agencies (public and private), and joint labour management committees controlling apprenticeship or other training programs, from discriminating on the basis of race, religion, sex, or national origin with regard to any employment condition, including hiring, firing, promotion, transfer, and compensation, and in admission to training, or apprenticeship programs. This Act, which became effective on July 2, 1965, is administered by the Equal Employment Opportunity Commission, an agency in the federal executive branch, composed of five members appointed by the President and approved by the Senate. The Equal Employment Opportunity Act (EEOA) of 1972 has amended Title VII by expanding its coverage to include employees of state and local

Dr. Harish C. Jain is Associate Professor in the Faculty of Business of McMaster University. In 1975 he was a member of The Equal Value Committee of the Ontario Ministry of Labour. He was previously a Research Consultant with the Canada Department of Labour, Director of Research for the Nova Scotia Department of Labour, and Research Assistant with the Federal Reserve Bank of Minneapolis. He has taught at Edgewood College, Mount Saint Vincent University and St. Bonaventure University. He has authored many articles on the subjects of manpower resources, manpower policy and planning, pay and employment discrimination, and industrial relations. He holds the Ph.D. degree from the University of Wisconsin in industrial relations.

Dr. Jain's previous contribution to *Human Relations* was an article in the 1972 issue, "Employment Tests and Discrimination in The Hiring of Minority Groups."

governments and of educational institutions, as well as private employment of more than 15 persons.

The EEOC has two main functions, (a) enforcement and (b) information gathering.

a) Enforcement.

EEOA of 1972 authorizes the Commission to bring civil action suits against non-governmental respondents beginning in March, 1975. Prior to the 1972 Act, the EEOC had no power to bring direct civil action against respondents (employers, unions, etc.) where conciliation was unsuccessful. Instead, the aggrieved individuals (complainants) were accorded this power.

b) Information gathering.

Every employer, labour union, joint apprenticeship program, state or local government and educational institution which employs more than 100 people and which is covered by Title VII or by executive order 11246 is required by law to file annual reports with the EEOC containing data on number of women and members of four minority groups employed in each of the nine different job categories (from labourers to "managers and officials"). The minority groups are (1) Negroes, (2) Americans of Mexican, Puerto Rican, Cuban, or Spanish origin, (3) Orientals, and (4) American Indians (including Eskimos in Alaska).

In 1972, the Commission received reports from 140,000 private employer establishments covering more than 30 million workers.

The EEOC has the legal responsibility for examining the present distribution of women and minorities, especially in managerial and professional jobs. The Commission prepares Employer Information Reports. In examining these reports, should it be determined that an organization has inadequate representation of minorities such as women, blacks, etc., at various levels in employment, the employer is required to prepare an affirmative action plan showing how he will comply with EEOC regulations.

2) The Executive Orders

Executive Order No. 11246, signed by President Lyndon B. Johnson in 1965, prohibits employment discrimination by federal government contractors, subcontractors, and federally assisted construction contractors. Federal contractors are required to develop a written plan of affirmative action and establish goals and timetables to achieve equal opportunity.

According to Nash*, "The Executive Order program, administered by the Office of Federal Contracts Compliance (OFCC) is premised on the right and responsibility of the executive branch to determine the terms and conditions under which it will contract with private parties for the procurement of supplies and services essential to the Government's operations."

The assurance of affirmative action to facilitate equal employment opportunity is an undertaking in addition to the undertaking not to discriminate on the basis of race, creed, colour, or national origin. Thus, affirmative

action, ordinarily utilized in the past as remedy after determination of fault, is imposed as a condition of doing government business, according to Jones.

It was not until January, 1970, when Secretary Schultz, the labour secretary at the time, signed the labour department's Order No. 4, that affirmative action was spelled out. This Order requires contractors with 50 or more employees and a contract of \$50,000 or more, to take affirmative action and to set goals and timetables for minority employment job categories where minorities have been underutilized. Revised Order No. 4 issued in December, 1971 requires goals and timetables for women as well.

The Order lists several criteria that contractors should consider in determining the appropriate utilization rates of minority groups and women.

These are:

- (1) the minority population of the labor area surrounding the facility;
- (2) the size of the minority unemployment force in the labor area surrounding the facility;
- (3) the percentage of minority work force as compared with the total work force in the immediate labor area;
- (4) the general availability of minorities having requisite skills in the immediate labor area;
- (5) the availability of minorities having requisite skills in an area in which the contractor can reasonably recruit;
- (6) the availability of promotable minority employees within the contractor's organization;
- (7) the anticipated expansion, contraction and turnover of and in the work force;
- (8) the existence of training institutions capable of training minorities in the requisite skills; and
- (9) the degree of training which the contractor is reasonably able to undertake as a means of making all job classifications available to minorities.

3) Equal Pay Act

The framework of federal anti-discrimination legislation incorporates also the Equal Pay Act of 1963. This Act prohibits wage discrimination based on sex. In 1972, protection of this law was extended to cover executive, professional, and administrative employees.

Effects of the Legislation

Prior to its receipt of enforcement power in 1972, EEOC had a simple mandate: to investigate and make findings upon charges of employment discrimination and to employ "information methods" of conference, conciliation, and persuasion to eliminate the discrimination where found. The Commission could not enforce its findings. For instance, the minority employment data collected by the EEOC revealed that between 1966 and 1970 and in 1972, nearly 6 out of 10 charges filed with the Commission were unsuccessfully conciliated. In other words, the respondent (employer, union, etc.) refused to change his or her employment or referral policies to resolve alleged unlawful practices. Moreover, empirical studies by Bergman and others based on EEOC, census, and cross-section data indicated that prior to federal legislation (1966), government contractors tended to hire fewer minority group workers

*See references at end of article.



and that on the basis of minority hiring practices that were prevalent in the mid-1960's only small progress was likely in the 1970's.

The following are the effects of the legislation.

I. a) Goals and Quotas

The mandatory standards are usually called "quotas" while the voluntary standards are called "goals". Under the criteria of Order No. 4 described earlier, numerical goals establish a target set of figures to be obtained by good faith efforts, according to the timetable or estimated time periods. Both the figures and timetables are established by the federal contractor after a careful analysis of the variables that can be foreseen.

Quotas operate differently. In a number of Title VII cases, either by consent decree or court order, respondents have been required to adopt a system of quota or ratio hiring. Thus, federally required programs of affirmative action, involving job quotas that favour minorities, have made minority hiring an explicit goal of major corporations. At I.B.M., for example, every manager is told that his annual performance evaluation includes a report on his success in meeting affirmative action goals. In trying to ascertain their "ideal" minority population, some progressive companies use the following four options in varying degrees, according to Theodore Purcell. These are:

- 1) The total minority work force of a plant should match the characteristics of the plant's SMSA (Standard Metropolitan Statistical Area) or labour market area from which it draws its labour force. A subgoal might be to hire more than the minority population of the area. If the labour market is 10% minority, but minorities represent 20% of those applying for jobs, the hiring goal should approximate 20% in order to build a better entry-level minority base for subsequent promotions to middle management where minorities are greatly under-represented.
- 2) In a national company, minority employees should be distributed at each level of the organization according to their proportion in the national labour force.

- 3) Minorities should be represented at each level of the plant's organization by the same percentages as they appear in the plant's work force. Thus, if 15 percent of the employees in a plant of General Motors located in Fremont, California are Spanish surnamed, management would strive to have 15 percent of the plant's officials, managers, technicians and so on to be members of that minority.

- 4) Minority employees and women should be represented at the professional and craft levels in about the same proportion in which they are found in universities and professional and trade schools preparing them for those levels.

b) Consent Decrees

The term "quotas" is applicable to consent decrees, or out-of-court settlements made by private companies such as the Bethlehem Steel Corporation and the American Telephone and Telegraph Company (AT&T), among others. Both companies were found in violation of the Executive Order in compliance reviews and neither had developed goals, prior to the initiation of investigation by the federal agencies, to remedy the current under-utilization of minorities and women.

At Bethlehem's Sparrows Point, Maryland plant, it was found that traditionally employees had been hired into all or predominantly black departments with less desirable and lower paying jobs than those given to white employees. Even though Bethlehem subsequently opened up the formerly "white" lines of progression to black employees, offering them an opportunity to transfer whenever a vacancy occurred, the employee opting to transfer would have to begin at the entry level position in the new unit, sacrificing the pay he formerly earned for the standard pay of the new job, and even more significantly, his seniority in the old unit. Thus, the black employee would in effect have the same status in this unit as a new employee beginning the same job on the same day.

Under the consent decree, the employee requesting transfer into predominantly white departments was allowed to compete on the basis of total plant service rather than unit service; total plant security also governed layoffs. Moreover, the transferring employees were to be paid "red circled" wages until such time as their pay in the new job equalled their wages in their former job.

The settlement negotiated by the federal agencies (EEOC, OFCC, etc.) with AT&T covers all of its 24 operating companies, and 700 establishments within the Bell System. Prior to the settlement, the vast majority of employees at AT&T worked in sex-segregated job classifications; taking all of the organization's operating companies together, males constituted 98.6 percent of all AT&T craft workers on December 31, 1971, while 96.6 percent of all office and clerical employees were women. The settlement provides: (1) back pay for over 13,000 women and 2,000 minority men; (2) establishes specific remedial steps for upgrading of all qualified college-trained women; and (3) increases present salaries of

persons whose earnings are less than they would have been, but for prior discrimination in job placement.

In the Bethlehem case, the OFCC alleged that there existed a class of individuals who were suffering the present effects of prior discrimination. The negotiated agreement provided for a plant-wide seniority system substituting for departmental or division seniority systems which had the effect of perpetuating prior discrimination. However, in the AT&T case, the various federal agencies further expanded relief to include back-pay, and more importantly, the new legal concept of restitution, thus tying together, for the first time, the requirements of the Executive Order, the Equal Pay Act, and Title VII of the Civil Rights Act of 1964, as amended.

Under the concept of restitution, it was established that some proportion of the 300,000 telephone operators at AT&T would have been, or should have been, or might have been in craft jobs, but for the company's personnel policies, practices, and procedures. Therefore, a system was set up which would pay women depending upon when they transferred out of non-craft, non-managerial jobs into craft jobs and whether they then remained on the job for a period of time. For instance, those that transferred in the first six months will get \$100.00, those who transfer in the second six months will get \$200.00, in the third \$300.00, in the fourth \$400.00. There was incentive for both the employees and the company; the faster they were transferred, the less it cost the company.

II. The Effect of Court Cases

a) Testing and Education Requirements

In addition to the emergence of goals and quotas, the court decisions have had a great deal of impact on staffing practices by employers.

In 1971, the Supreme Court held in *Griggs v. Duke Power Company* that employment testing and educational requirements must be "job-related". That is, the employer must prove that the tests and educational requirements bear a demonstrable relationship to job performance. The Court declared that the lack of intention to discriminate was irrelevant when the effect was to discriminate. This is because the requirement of a high school diploma or passing a test had unequal effects on various groups, even though they were imposed on all groups equally. For instance, these requirements have an adverse impact on minorities in that they screen out a greater proportion of blacks than whites. The Court stated that a test having an adverse impact on women and minorities must be shown to be "job-related" in order to be used legally in employment selection and promotion.

The Supreme Court re-affirmed its decision in a recent (June 25, 1975) case, *Moody v. Albemarle*. In this case, the Court found that the company's employment testing program was not related to the attributes of or the particular skills needed in the jobs cited. In addition, the Court declared that companies must award back pay to employees who have been the victims of employment discrimination. It also stated that persons



discriminated against because of race and sex do not need to prove "bad faith" on the part of the company in order to collect back pay awards.

b) Industrial Practices

According to a study by the NICB (National Industrial Conference Board), court decisions relating to Title VII of the Civil Rights Act have spurred changes in company personnel policies and practices, with many companies employing "roving compliance specialists who visit even the most remote installations" to suggest ways to expand the number of women and minority group employees on the payroll.

Another study reports on the impact of equal opportunity legislation. In a joint survey, conducted by the Bureau of National Affairs and the American Society for Personnel Administration (ASPA), of 113 ASPA members from all parts of the United States, the results were:

- 1) Formal Equal Employment Opportunity (EEO) and Affirmative Action (AA) plans are found in 8 out of 10 companies.
- 2) Special programs for recruitment of minority group workers, especially for high level positions, are found in a majority of companies.
- 3) Changes in selection criteria are reported in a majority of companies; in more than one-half of the companies the change relates to testing procedures.
- 4) Minorities in the total work force of the responding companies range from 0.2 to 55 percent; minorities as a percentage of the total supervisor/managerial component range from 0 to 30.4 percent; and of the professional/technical staff the range is 0 to 26.8 percent.

Other results include special training and counselling programs to help minority workers.

III. Overall Employment Effect

In a study by Ashenfelter and Heckman, the authors found that in 40,445 establishments sampled in 1966 and 1970, the employment of black males relative to white males increased 3.3 percent more in firms with

government contracts than in firms without contracts and that this difference was statistically significant. The long-run effect was estimated to be 12.9 percent. This comparison controlled for the effect of employment expansion, variation in the size of firms, and geographical variation in the supply of labour.

In another study, Freeman found that:

- 1) The income and occupational position of black workers improved significantly relative to those of whites in the 'sixties; that black women, young men, young male college graduates experienced especially large economic gains.
- 2) Much of the improvement in the black economic position that took place in the late 'sixties was due to governmental and related anti-discriminatory activity associated with the 1964 Civil Rights Act. Freeman contends that previous time trends such as more education for blacks and the general boom of the period cannot account for the sharp increase in relative incomes and occupational position of blacks after 1964.

Other reports indicate that in just one decade, the 1960's, the gap in the median years of schooling between whites and non-whites was narrowed from 2.6 years to 2.1 years for all those aged 25 and over. Among younger Americans, the races are nearing equality in years of schooling. In 1959, 22.4 percent of all U.S. people were classified as living in poverty. In the recession year of 1974, only half as many (11.6%) were poor. In the same year, an estimated 52.7 percent of American families were earning between \$10,000 and \$25,000 a year.

However, recession has produced layoffs due to production cutbacks. Layoffs are putting those with the least seniority out of work and among those are the

women and minorities hired as a result of employers' recent efforts to integrate their work force.

Despite the current economic conditions, it seems premature to forecast that equal employment will come and go with prosperity. A substantial body of case law has developed. Public and private employers are becoming conscious of the social impact of their personnel practices. They seem to be showing increasing skepticism about those employment practices and procedures which have unequal impact on the various minority groups that comprise society in the United States.

Summary of the United States Experience

- 1) Employment discrimination is inherent in the industrial relations system. In most cases, it is neither intentional nor invidious in nature.
- 2) An employer's staffing requirements in the form of employment tests etc., must be job-related.
- 3) Conciliation of employment discrimination charges, without any enforcement power, is not enough. The EEOC found that in six out of ten charges, the respondent refused to alter his/her employment policies to resolve alleged unlawful practices.
- 4) Strong anti-discrimination legislation, coupled with vigorous enforcement effort and sympathetic court decisions assisted immeasurably in combatting discrimination in employment. Prior to the enactment of the anti-discrimination legislation, insignificant progress in the utilization of minority groups was forecasted.
- 5) Employers did make and continue to make a greater utilization of minority groups in the post legislation period.

REFERENCES

Ashenfelter, Orley and James Heckman, "Measuring the Effect of an Antidiscrimination Program", Working Paper No. 54, Industrial Relations Section, Princeton University, August, 1974.

Bergman, Barbara *et al.*, "The Occupational Standing of Negroes by Areas and Industries," *Journal of Human Resources*, Vol. 6, No. 4.

Bergman, Barbara R. and William R. Krause, "Evaluating and Forecasting progress in racial integration of employment," *Industrial and Labor Relations Review*, Vol. 25, No. 3, 1972.

Daily Labor Report, BNA, Washington, D.C., December 13, 1973.

Freeman, Richard B., "Changes in the Labor Market for Black Americans, 1948-72", *Brookings Papers on Economic Activity*, 1: 1973.

Jain, H. C. and James Ledvinka, "Economic Inequality and the Concept of Employment Discrimination," *Labor Law Journal* (in press).

Jones, James E. Jr., "To Rouse 'A Slumbering Giant' - Government Contracting and Equal Employment Initiatives for the 1970's", *Proceedings of the Southwestern Legal Foundation 17th Annual Institute on Labor Law*, 1971, p. 155.

Kilberg, William J., *Vanderbilt Law Review*, Vol. 27, No. 1, January, 1974.

Kilberg, William J., "Progress and problems in Equal Employment Opportunity," *Labor Law Journal*, Vol. 24, No. 10, October 1973, pp. 651-661.

Nash, Peter G., "Affirmative Action Under Executive Order 11,246," *New York University Law Review*, Vol. 46, No. 2, April 1971, p. 226.

New York Times, April 30, 1973, reports the NICB survey.

Purcell, Theodore V., "How G. E. measures managers in fair employment," *Harvard Business Review*, Nov./Dec. 1974, pp. 99-104.

"Equality: American Dream or Nightmare?" *U.S. News and World Report*, August 4, 1975, pp. 26-36.

Year-End News

By Robert W. McPhee



A year-end review is a good vantage point from which to perceive the most notable events of the year just past in the activities of the Commission.

The Broad Human Rights Picture

The preeminent event in the Commission's life in 1975 was the creation of a completely public Commission for the first time, as docu-

mented elsewhere in this issue of *Human Relations*. The new Commission's first major policy decision was to undertake a comprehensive and public review of the Ontario Human Rights Code in light of the social changes which have occurred in Ontario society since 1962 when the Code was passed. Another factor of change is the varying grounds of discrimination enumerated in other Canadian human rights legislation. The Commission announcement stated that the terms of public participation will be outlined at a later date.

As this issue is going to press the appointment of two new Commissioners has been announced by the office of Premier William Davis. M. Jean-Marie Bordeleau of Kapuskasing is a lawyer and a former Chairman of the Kapuskasing Separate School Board. Mrs. Elsie Chilton of Moose Factory speaks fluent Cree, is active in community work with the native people in the James Bay area and sits on several local government committees.

The Commission's participation in Canada-wide human rights efforts was intensive in the year just passed. The Federal-Provincial Conference on Human Rights on December 10 last was the first ever held and was called to consider the U.N. human rights covenants, the Canadian program in support of the U.N. Decade for Action to Combat Racism and Racial Discrimination, and the new federal human rights bill. The Ontario delegation consisted of the new Minister of Labour, the Hon. Bette Stephenson, M.D., the former Deputy Minister of Labour, R. D. Johnston, the Commission's Chairman, Dr. Thomas Symons, and myself.

Federal ministers present at the Conference were the Hon. Hugh Faulkner, Secretary of State, the Hon. Roy Basford, Minister of Justice and the Hon. John Munro,

Minister of Labour. Ministers responsible for human rights of the other provinces were also present.

Dr. Stephenson assumed, in most emphatic fashion, her role as minister responsible for human rights, in all its dimensions. With the support of the Ontario Attorney General, the Hon. Roy McMurtry, she asked for federal human rights legislation to deal with recorded telephone hate messages. Mr. Basford undertook to explore various approaches that might be used to confront this problem, which is particularly acute in Toronto.

The meeting's greatest success was in finding and adopting a formula which will permit the federal and provincial governments to act in concert to ratify the three U.N. instruments on human rights, the Covenant on Economic, Social and Cultural Rights and the Covenant on Civil and Political Rights with its Optional Protocol. The successful formula was achieved, after many years of effort, by a special task force headed by Dr. Symons.

Unfortunately the delegates were unable to achieve a funding formula for a permanent secretariat for the Canadian Association of Statutory Human Rights Agencies (CASHRA). This matter will be carried over to the next annual meeting of CASHRA in Saskatoon, scheduled for the spring of 1976.

Conciliation and Compliance Activity

Well over half of all complaints handled by the Commission are in the social area of employment. Hence it is not surprising that the Commission's vigilance was most actively engaged in contending with factors in the community militating against equal employment opportunity.

The spirit which had led the members of the Association of Professional Placement Agencies and Consultants (APPAC) to sign an agreement with the Commission in 1964 to support the Code, and which was supported by non-members of APPAC, has weakened with time. Therefore, upon the Commission's initiative, a joint committee was formed representing the employment agency industry, the Employment Standards Branch and the Commission, with the object of improving the compliance of personnel agencies with the Code's provisions. After several meetings plans were finalized for an expanded educational program, which is now being implemented with the full support of the representatives of APPAC. However, only 10% of the 400 agencies in Ontario belong to APPAC. Studies had shown that con-

traventions of the Code by some employment agencies were knowingly committed, and not out of ignorance of the law. The Commission is therefore giving detailed study, at the moment of writing, to proposals for more stringent enforcement measures.

The cyclical nature of APPAC's waxing and then waning support of the letter and spirit of the Code was somewhat analogous to the recurring problem of job advertisements which call for "Canadian experience" and which too often represent an attempt to discriminate against immigrants. This time the Commission issued a policy statement and sent a copy to every newspaper publisher in the Province. The statement expressed our concern over the use of the phrase "Canadian experience" as possibly leading to unlawful discrimination and proposed guidelines for alternative wording. A major educational campaign was launched to inform, as well, employers, private and governmental personnel agencies, chambers of commerce, and ethnic organizations. We will monitor major newspapers to determine the response to the policy statement and to the educational campaign.

The ultimate compliance sanction, the Board of Inquiry, was used seven times in 1975, compared to once in 1974. Two Board of Inquiry cases involved, for the first time, allegations of sex discrimination where the complainants were men.

Five Boards of Inquiry were uncompleted at the end of the year. The Reports of these Board of Inquiry Chairmen may contain some important legal interpretations. Two cases involve officers of municipal fire fighting departments who have reached the age of 60 and have been compulsorily retired by the respective city, in accordance with a collective agreement which sets the pensionable age at 60. The two fire fighters wish to continue to work until 65 and the Commission's stance is that no one may be dismissed because of age below

65, regardless of pension arrangements, provided he or she is able to fulfill the job duties in question. There have been other similar complaints by fire fighters where a conciliation settlement was achieved.

The Commission's litigation activities have not been limited to Boards of Inquiry. After obtaining legal advice, the Commission ruled that it had no jurisdiction to accept a complaint from a man who was dismissed because of his avowed homosexuality. He filed suit in Divisional Court to compel the Commission to accept his complaint. When the case comes to court the judge will be called upon to decide whether "sex", one of the enumerated grounds of prohibited discrimination in the Code, includes sexual orientation.

In the year just ended, complaints which fall fully within the purview of the Code showed a marked increase. Moreover the investigation and conciliation of complaints became more complex as respondents showed themselves less cooperative. The result was a lengthening of the duration of time before the final settlement of cases.

A fortunate mitigating circumstance which we are anticipating is a reduction in the number of problems brought to the Commission by persons who regard us as the agency of last resort, arising from the creation of an Ontario Ombudsman. A wide variety of problems have been brought to the Commission ever since its inception which were not covered by the Code. We used to call this our ombudsman role. It began in the northern regional office in 1966 and grew steadily in Metro Toronto and elsewhere. We have offered as much assistance as we could, we have used moral suasion where possible and we have made careful referrals.

The appointment of Arthur Maloney, Q.C. as Ontario Ombudsman will mean that the kind of redress which we sought to provide, with a tenuous legal mandate, can now be provided by the Ombudsman, at least so far as



Hon. Bette Stephenson, M.D., Minister of Labour



Arthur Maloney, Q.C. Ontario Ombudsman

photo by Karsh

problems involving Ontario Government agencies are concerned. The Commission welcomes Mr. Maloney's appointment most heartily.

We will of course continue to serve as an agency of last resort, within the limits of our resources, where problems of members of the public involve entities in the private sector.

The advent of the Ombudsman is most fortunate in its timing since the Commission's workload marked a notable increase in 1975, in the areas of complaints, intergroup frictions and tensions, and assistance to major institutions in our society faced with discrimination problems.

The past fiscal year 1974-75 was the first for which records were kept in accordance with a revised classification system intended to provide a more complete and accurate tabulation of complaints and inquiries, as well as activities in public education and community relations, and hence a more accurate picture of the work accomplished by the Commission's staff. In so doing the revised system offers a clearer picture of the human rights situation of the Ontario community. The resulting table is printed below.

Of the total of 1423 completed individual complaints the largest number, in terms of ground of discrimination, involved race (36%), national ancestry (21%), sex and marital status (20%) and age (5%). In terms of social areas, employment was involved in more than 50% of complaints, followed by housing and public accommodation, i.e. access to facilities and services available to the public.

The Human Rights Climate and Intergroup Relations

There was increased Commission participation in resolving incidents of racial friction in neighbourhoods, schools and institutions, notably in Toronto. A pattern became perceptible, in terms of the public attitude to human rights. In the early 1960's there was a great deal of public support for human rights. As the Commission became an established agency of the Government, the support waned. But by the end of last year it was possible to see that the new challenge posed by intergroup relations was reawakening public concern and support for the Commission.

We sought to aid this movement by making our primary community relations effort the playing of a catalytic role. The Commission repeatedly made public pronouncements to alert the community to racist activities as an indicator of community evolution and to reassure minority groups who were being attacked. The most explicit expression of this effort was a campaign of letters to urge community groups and concerned citizens of all racial and religious backgrounds to address themselves to the problem, to speak out on the issues involved and to call for vigorous enforcement of existing laws. The campaign also urged groups representing the majority to contact minority groups and offer assurances of support on behalf of the much larger number of people of good will as contrasted with the perpetrators of verbal and physical abuse. A gratifying num-

ber of copies of letters sent in response to this request were forwarded to the Commission.

Public concern was expressed in the activities of many organizations. The Ontario Federation of Labour's renewed awareness led them to sponsor a conference on race relations in Timmins, which involved the participation of representatives of organized labour from all sectors of Ontario, of minority groups and of Commissioners and staff.

The Canadian Civil Liberties Association brought to public attention alleged discriminatory patterns in the practices of employment agencies, the hiring policy of Metro Toronto fire departments, and the advertising policy of employers requiring "Canadian experience" in their job advertisements. I have already described the action which the Commission took with regard to two of these matters. Concerning the hiring policies of Metro Toronto fire fighters, senior staff met with the Mayor and City government officials already working on an affirmative action program for women. The City undertook to examine an extension of its program of utilization of human resources and the Commission offered its cooperation if the City wished to initiate an affirmative action program under section 6a of the Code.

Toronto's Mayor David Crombie vigorously count-

Totals for Commission Functions				
Function	1973-1974		1974-1975	
<i>I Conciliation & Enforcement</i>				
A cases completed — those falling directly within Human Rights Code, with full legal remedy available	A	622	A	765
B & C cases completed — those falling within spirit of Code with conciliation and use of good offices as only tools	B	441	B	394
	C	850	C	264
NOTE: due to increase in A cases, many C cases were handled as referrals				
<i>II Inquiries & Referrals</i>	9,446		15,245	
<i>III Community Relations</i>				
(public education activities and community, race, and ethnic relations projects)	1,201		979	
NOTE: the drop in the total figure was due, not to decreased activity, but to a more precise definitional system and to the changed nature of the activity. Community projects took on larger dimensions, became more time-consuming and used the services of as many as five officers for individual projects.				

ered the spate of painting of hate slogans on walls and hoardings by publicizing a hot-line for the public to call and report the location of such messages. City workers erased them with dispatch.

Unprecedented acts such as the murder of a black teen-ager by a stranger with, apparently, purely racist motivations, led to the formation of a new organization, the Urban Alliance for Race Relations, with representatives from various racial, religious and ethnic groups. It is researching and publicizing incidents of racial discrimination. The Commission has responded to a concern of the Urban Alliance regarding the absence of visible minority photographic models in store catalogues by forming a joint committee to reactivate the recommendations of the Elkin Report. The essential thrust of that report was that the image of Canadian society projected by print and television advertising should reflect the true multicultural nature of our community.

Thus I can report that while incidents continue to increase, the counter-attack appears to have begun in earnest.

For the Commission's part, we sought to cope with the demands for our services in the intergroup relations area by forming a distinctive, small community relations unit based in Toronto.

A good example of the projects where our services were called upon was the youth gang violence of a racial character in two housing developments in Metro Toronto. Staff followed the practice of encouraging the formation of joint problem-solving structures. A Teenage Committee was formed to facilitate dialogue and an Inter-Agency Committee was formed with representatives of the police, housing authorities, the Teenage Committee, the Tenants Group, education officials and other governmental agencies. The Inter-Agency Committee began approaching local industry to find jobs for the

young men and succeeded in having schools, churches and community centres opened to the public for meetings and recreation. Though the problems have not vanished, there is now a feeling of hope and of community in place of resignation and despair.

A community relations project in our southwestern Ontario region took on considerable dimensions. It involved two stores owned by Ugandan Asians which were vandalized and hate messages painted on them. Staff spoke to community representatives, particularly the Chamber of Commerce and the local newspaper. Staff also brought the segmented Asian community — Sikhs, Hindus, Muslims, immigrants from Africa, India and Pakistan — to form a coalition and a committee to look into such problems, to help their members when discrimination occurs, and to facilitate understanding of their group by the community at large, and vice versa. Commission officers maintain continuing liaison with the committee. They also persuaded the Chamber of Commerce to write an open letter to the newspaper condemning the vandalism and seeking to awaken the conscience and good will of the community. The newspaper also ran an editorial condemning the acts and urging support of human rights principles.

In northern and eastern Ontario three continuing human rights issues are: underemployment of native peoples; the relationships between the native peoples and the law enforcement agencies and the courts; provision of government services in the French language for the francophone population. Commissioners and staff are playing a continuing role in advancing toward solutions to these problems.

Educating Public Opinion

Innovations in the never-ending program to eradicate discrimination by striking at its roots in prejudice might



The dialogue meeting between Commissioners and staff took place in a hollow square room arrangement designed for maximum communication but not for maximum ease of photography. Hence this assemblage of photos represents an attempt to circle the square. Readers will recognize the Chairman, the Commissioners and the Executive Secretary from other pictures in this issue.—Ed.

seem unlikely, but innovations in techniques were a mark of the public education program in 1975.

The chairman of the parents committee of a Metro Toronto public school came to the Commission with a plan which he hoped — as we do — could be used as an example by others. He wanted to make the parents connected with that school truly aware of Ontario's changing ethnic and racial composition. He asked the Commission officer specializing in public education to help his committee set up a multicultural collection of fiction attached to the school library, thus making the school a community resource centre.

The officer read works of fiction about East Indians and then drew up a bibliography. The committee bought the books. The officer prepared a bibliography of fiction about blacks. The committee is now buying those. Next will come a bibliography on native Indians and then any other groups which the committee asks for. We have published the bibliography on East Indians, the first such list ever produced.

There was also the very well organized high school student whose innovative device could save Commission officers hundreds of hours if it catches on. He brought a tape recorder and a list of questions, recorded an officer's answers to his questions and had a 40-minute tape to play to his Grade 12 law class.

Another first was an annotated list of 55 films on human rights subjects which includes European films which overcome the language barrier by having a musical sound track but no dialogue. Our list is obtainable upon request and all the films are available in Ontario.

Plans were laid for the inception of a new series of special purpose pamphlets, with at least one finished product to be issued in 1976. These publications will be used as an extension of officers' educational efforts and to train others to conduct their own human rights

educational programs. We envisage such training materials for government agencies, law enforcement bodies, teachers, voluntary human rights bodies and public service volunteers. The first brochure will be written for police on the subject of police relations with minority groups.

The Commission's public education program involved the Commissioners and staff in writing, speaking and broadcasting in a variety of ways and working with a great diversity of voluntary organizations and governmental agencies. Space allows me to cite only a few illustrations.

We conducted four sensitivity workshops for the Ontario Housing Corporation's community relations workers on intergroup relations in a multicultural setting.

The Metro Toronto police college had a number of lectures on relations between police and minority groups, given by Commission representatives.

Virtually all of us were involved in lectures to counsellors of Canada Manpower Centres throughout Ontario.

The Commission's major effort during International Women's Year (1975) was to make the public aware of the sex discrimination provisions of the Code. Commissioners and staff were also involved in a variety of program activities such as organizing a conference on the concerns of native Indian women in Hamilton, acting as a conference resource person for the Sault College Women's Advisory Committee and the Sault Concerned Women, speaking on careers for women in male-dominated occupations at St. Clair College, and acting as panelist for an Ottawa conference of Action '75.

The growing issue of racism led to invitations to Commissioners and staff for discussions on television and radio.





Both Commission counsel and respondent's counsel are on their feet during a tense moment at the mock Board of Inquiry staged by the Commission at the CASHRA Training Conference held in Hart House, University of Toronto. From left to right, Commission Legal Adviser Professor Ian Hunter, lawyer John Sopinka, Board of

Spoken and printed communications in French and other languages brought a knowledge of the Code and the Commission's services to large segments of the population.

Education is not only a stretching outwards, it is also a receiving — of an unceasing stream of questions from every part of the public, motivated by community interest, professional interest, self-interest, curiosity, good will, ill will, or academic requirements. Answers were given in broadcast interviews, open-line shows, taped public service television messages, and on the telephone. The telephone is the most pervasive. Each month an average of 35 substantive phone conversations were handled by an officer specializing in information; (this excludes all calls regarding actual complaints, which are taken by other officers and average 1000 a month.)

From the media, government bodies, colleges, business, labour, voluntary organizations and just individuals, came telephone questions on interpretations of the Code in specific — and sometimes unprecedented — circumstances, on community developments, Commission activities, issues of the day, plus requests for printed materials, speakers, statistics and interviews to cover those aspects of our operations which we have not yet set down in print.

The Commission's ongoing training of its own staff was given high priority during the past year. Early in the year the Canadian Association of Statutory Human Rights Agencies held a Training Conference in Toronto for human rights officers from across Canada and the Ontario Commission played an active role in the week-long program. Our major contribution was the staging of a mock Board of Inquiry, based on an actual case. (see photos)



Inquiry Chairman Professor Walter Tarnopolsky, York University, Human Rights Officer Barbara Justason impersonating the complainant. Another "witness" on the stand, in photo on right, is Human Rights Officer Milton Little. Both officers have since retired.

The Commission's own annual staff meeting, held in Peterborough, was planned, for the first time, by a staff committee. (see photos) Chaired by Mrs. Anita Dahlin, it included Mrs. Kim Harris, Mrs. Barbara Earle and James Stratton. A prime purpose of the two-day meeting was to enable the new Commissioners and the staff to meet and become acquainted. Out of the discussion came several policy decisions: future meetings between Commissioners and the regional staff where the former reside for a two-way feedback, and encouragement to staff, as a preeminently knowledgeable group, to make input into the review of the Code.

We maintain a variety of specific training programs for individual staff members, in the dynamics of racial and sex stereotyping, advanced training in the techniques of investigation, conciliation, public education and community problem-solving.

Among the many modes of communication used by the Commission the newest, as reported in the previous issue of *Human Relations*, is a television commercial, an animated cartoon entitled "Forest Fable". Last year it won second prize in the public service category at the Annual Festival of Canadian Television Commercials. It conveys the idea that "everyone is not the same but everyone should accept the differences of others."

Research on Community Developments

Research projects enable the Commission to perform its other functions more knowledgeably and efficiently. The major projects are usually commissioned from academic bodies.

An important study was made public in 1975 on the black community in Metro Toronto. Entitled "The

Human Rights Commissioner is Author

Commissioner Dr. Lita-Rose Betcherman published a book entitled *The Swastika and the Maple Leaf: Fascist Movements in Canada in the Thirties* (Fitzhenry & Whiteside). The book provides an in-depth, retrospective framework for evaluating the potential for anti-democratic extremist movements in Canada. Dr. Betcherman thus performed an important service to the Commission's public education program.

"Black Presence in the Canadian Mosaic", it was written by Dr. Wilson Head of the Department of Social Work, Atkinson College, York University. Over 1,000 copies of the published study were given both national distribution and intensive local distribution, in keeping with its subtitle, "A Study of perception and the practice of discrimination against blacks in Metropolitan Toronto."

New Staff Appointments

A number of new staff appointments were made since the last issue of *Human Relations*. All are human rights officers in Toronto.

Miss Fernanda Gaspar was formerly Coordinator of the Commission's storefront office, Services for Working

People, where she worked extensively among major immigrant ethnic groups. She speaks five languages and has a B.A. from the University of Toronto in sociology.

Roger Palacio, who is bilingual in English and Spanish, was a practising lawyer in the Philippines. He worked previously in a business capacity in Toronto. He is a graduate of the University of Santo Tomas, Manila.

John Rutherford was formerly an L.I.P. officer with the Department of Manpower and Immigration and a local government officer with the Government of the Northwest Territories. He is a graduate of McMaster University in sociology.

Bart Sackrule was formerly a Community Organization Worker with the City of Toronto, a member of the staff of Neighbourhood Service Centres of Greater Winnipeg, and a member of the Trinidad and Tobago diplomatic corps. He is a graduate of the University of Manitoba in political science and English and holds the Master of Environmental Studies degree from York University. He is currently in the doctoral program in sociology at York University.

Michael Simon was formerly Executive Secretary of the Joint Labour Committee for Human Rights, sponsored by the Ontario Federation of Labour and the Jewish Labour Committee. He is a graduate of the University of Toronto with a B.Sc., and of Toronto Teachers College.

OTHER PUBLICATIONS OF THE ONTARIO HUMAN RIGHTS COMMISSION

- **The Ontario Human Rights Code** The text of the Code
- Ian A. Hunter, "The Development of the Ontario Human Rights Code: A Decade in Retrospect", *University of Toronto Law Journal* (1972).
- **Human Rights in Ontario** A brochure describing the Commission's functions, intended for the general public
- **Human Rights in Employment** A brochure intended particularly for employers and employees, which includes a chart giving the questions which are approved and not approved before and after hiring
- **Serving the Public** A brochure intended particularly for the proprietors of public establishments to which the public is customarily admitted, and for patrons of such establishments. It describes the public accommodation provisions of the Code and responds to possible reactions of proprietors to those provisions
- **The Province of Ontario Welcomes Tourists** A brochure explaining the public accommodation provisions of the Code to tourists from outside the Province as well as the facilities for lodging a complaint
- **Film List** A list of films on human rights themes

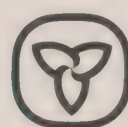


HUMAN RELATIONS

20N L72

-H85

COMBINED ISSUE 1976-1977
MAGAZINE OF THE



ONTARIO HUMAN
RIGHTS COMMISSION

Ontario

Vol. 16, 1976-1977



Immigrant woman on way to Toronto, before 1914 (photo courtesy of Canadian Pacific Railway archives)

Immigration: An Historical Perspective

Articles on...the Women's Movement and the trend
to androgyny; anti-discrimination laws in U.S.,
Britain, Canada compared

HUMAN RELATIONS

FOR 1976-1977

Vol. 16

TABLE OF CONTENTS

- 3 Immigration: An Historical Perspective
 12 The Age of Androgyny
 22 Race and Sex Discrimination Legislation in North
 America and Britain: Some Lessons for Canada
 33 OHRC on the Move

Articles by outside authorities, who are not on the Commission staff, express the opinions of the writer and do not necessarily represent Commission policy or thinking.

Subscriptions to *Human Relations* are available gratis upon request. Articles may be reprinted upon receipt of permission. All communications and comments should be addressed to the Editor in Toronto.

HON. BETTE STEPHENSON, M.D.
Minister of Labour

ONTARIO HUMAN RIGHTS COMMISSION

Chairman:

Thomas H. B. Symons

Commissioners:

**Rosalie Abella
 Bromley Armstrong
 Lita-Rose Betcherman
 Elsie Chilton
 Brian Denis Giroux
 Valerie Kasurak
 N. Bruce McLeod**

Director

George A. Brown

Editor

Harold Brian Attin

Commission Offices:

400 University Avenue
 Toronto M7A 1T7
 1 West Avenue S.
 Hamilton L8N 2R9
 560 Wellington Street
 London N6A 3R4
 824 King Street W.
 Kitchener N2G 1G1
 500 Ouellette Avenue
 Windsor N9A 1B3

2197 Riverside Drive
 Ottawa K1H 7X3
 1538 LaSalle Blvd.
 Sudbury P3A 1Z7
 125 Brock Street
 Sault Ste. Marie P6A 3B6
 435 James Street S.
 Thunder Bay P7E 6E3
 808 Robertson Street
 Kenora P9N 1X9

267 Stewart Street
 Peterborough K9J 3M8



Toronto Star photo

This photo leads one into the subject matter of "The Age of Androgyny" on page 12.

Immigration: An Historical Perspective

By Harold Troper

As the public reacts to the new Immigration Act and observes its implementation, it might be well if there were a widespread awareness that a theme of racist stereotyping runs through the history of Canadian immigration policy. This article documents that strand of Canadian history.

(see cover)



Immigration is a hot issue. This is especially true in Ontario which continues to absorb over half of all immigrants entering Canada. But statistics are not the only cause of heightened interest in immigration and immigration policy. In more recent years there have been marked changes in the countries from which Canada attracted her im-

migrant population. Until 1970 immigration from traditional western European sources and such southern European countries as Italy, Portugal and Greece dominated statistics. In the past seven years an increasing proportion of immigrants entering Canada has come from previously under-represented sources of immigrants, including Asia, the Indian sub-continent, the Caribbean and South America.

Professor Harold Troper is Associate Professor of the History of Education at the Ontario Institute for Studies in Education, University of Toronto. He specializes in the history of immigration as related particularly to education. He was recently awarded the City of Toronto Book Award together with Robert Harney for *Immigrants: A Portrait of the Urban Experience*. Professor Troper graduated from Pace College, New York City, and holds the M.A. from the University of Cincinnati and the Ph.D. from the University of Toronto. (For his other books and articles see the bibliography of this article.)

It would be naive to believe that Canadians remain oblivious to the changes in social and racial character which these new sources of immigration represent. Canadians are aware and their response has been mixed. While many Canadians applaud the wider diversity in our multicultural and multiracial society, others are less pleased. After many years of liberal thinking on this question public opinion polls now indicate new sympathy for restrictionist legislation. This changing climate of opinion may, in part, indicate growing anxiety over economic and ecological issues rather than just reflect a simplistic racial reaction to the skin colour of many of our immigrants. But it would be self-delusive to believe that racism, or the threat of racism, does not rest at the heart of much public concern.

Unfortunately, this is all too easy to illustrate. In Toronto, for instance, racist slogans are too often found scrawled on billboards and walls of construction sites. One East Indian immigrant is recovering after being attacked on a subway platform. Both his legs were broken in an unprovoked and racially motivated assault. More recently an American television network reported on Toronto as a racial powder keg. Editorials may condemn racial attacks, city public works personnel may paint over the racial obscenities and city fathers may protest that American television has misrepresented Toronto to its viewers, but the problem of racism and its repercussions for immigration remain a vital concern.

Immigrants, especially members of visible minority groups, are rightly demanding that steps be taken to prevent physical or verbal assault. Although talk of an East Indian Defence League may be just that—talk—a growing mistrust of the host society among visible minorities is real. Nowhere has this been more visible than in anticipation of the federal government's new *Immigration Act*. While the Federal Government works on a long-awaited revision of the *Act*, promising all the while that it will be non-discriminatory in character, every hint of administrative change, every mention of quotas or skill preferences, is interpreted as a covert effort on the part of government to keep non-European immigrants out of Canada. Just as racism breeds violence, the resulting anxiety breeds mistrust and suspicion. It is difficult to calibrate this rise in social tensions, but it is there nonetheless.

Yet, if immigration and related social issues are among

those areas of public policy which invariably generate a heated response, it is also unfortunate but true that immigration is perhaps the area of public policy which remains most clouded in a fog of public ignorance. In public discussions of immigration, myth often masquerades as fact, clichés replaces analysis and statistics reinforce every manner of conclusion. Incredible as it may seem for an issue as important as immigration policy, only one major scholarly investigation of this area has been published in the past twenty years.¹

The mixture of ignorance and passion laced with mistrust, prejudice and hostility may have a volatile result. This proved the case in discussion of the Federal Government's recent four-volume *Report of the Canadian Immigration and Population Study*, commonly called the *Green Paper on Immigration Policy*. The *Green Paper*, which grew out of a lengthy, government-financed investigation of immigration policy alternatives, is not in itself a statement of new policy — or so the Government claims. Instead it outlines policy options. As such it is a discussion paper which Government officials intended as a catalyst to spark reasoned and systematic public debate of practical immigration alternatives on which the Government might base its new legislation. To facilitate national debate and gather public response to policy options, the Government established a Special Parliamentary Committee on Immigration which moved across the country organizing community hearings.²

Response was immediate. As the mass media dutifully reported, carefully prepared presentations before the Committee often gave way to emotional outbursts, to

protest demonstrations, obstructionism, shouting matches and, at times, the threat of violent confrontation between spokesmen from opposing points of view. Yet, as the Government's investigators surely recognize, the emotions which debate on immigration stirs cannot be dismissed as the simple product of cranks or racists. At the heart of this or any discussion of Canadian immigration, no matter how ill-conceived or poorly based in fact, lie differing and sometimes conflicting visions for the future of Canada, the character of its population and the evolution of its national institutions.

The historian must also enter this debate, not as a partisan of one philosophy or another, nor as a spokesman for one policy or another, but out of conviction that one of the major faults with the current debate is its lack of historical perspective. It can be argued that the absence of an historical dimension is but part of a general ignorance surrounding Canadian immigration and immigration policy. It is, nevertheless, this dimension which affords a perspective of time. It relates Canadian immigration to the ongoing process of Canadian nation-building, a process with roots winding back through more than 200 years of population growth. The short outline of Canadian immigration history before World War II which follows is offered in the hope that an increased understanding of the past will contribute to an informal and therefore positive discussion of immigration in the current context.

Immigration has always been one of the basic contributing factors to Canadian growth and development. In this regard three threads have consistently been woven

Immigrants on an Atlantic liner, 1906. (Collection of Library of Congress).



into the pattern of this immigration. One thread is that of Canadian self-interest. Though millions of immigrants and their children have obviously benefited or succeeded, by any definition, as a direct result of coming to Canada, altruism has seldom been a central feature of Canadian immigration policy. It has been and remains unabashedly self-serving.

The equally important second thread is one of selectivity. Throughout the history of Canadian immigration one finds barriers against specified individuals or groups and, in large measure, those restrictions have been racially or ethnically derived. If these restrictions have not been laid down in legislation they have, as will be shown, been applied in practice. The third thread, a thread common to much Canadian history, is the closeness and imposing importance of the United States. Through much of Canadian immigration history, the United States has been a source of immigrants to Canada, a competitor for immigrants that Canada also sought and a safety valve relieving Canadian overpopulation or slow economic growth. Indeed, Canada's overall inability to attract and keep immigrants as readily as our southern neighbour caused federal and provincial governments, working in alliance with Canadian business interests, to initiate expensive programs designed systematically to encourage immigration to Canada.

Immigration encouragement was not without restrictions. As noted, these included racial and ethnic dimensions. No matter what the stated economic policy or the actual wording of the *Immigration Act*, the way in which

policy or *Act* was administered restricted admission only to desirable persons. Canadian immigration officials and administrators carried out their immigration function in a private manner, open only to the infrequent scrutiny of elected officials or more frequent intervention by business interests in need of manpower. The public and its elected politicians have generally and often deliberately remained in ignorance of specific Canadian immigration practices. Some may argue we Canadians have preferred to remain sequestered from any unpleasant reality that close scrutiny of immigration might reveal.

Where does one begin to explore these historical themes as they offer insight into our present immigration debate? Certainly these major threads of Canadian immigration were already visible by Confederation. Let us examine several episodes in both the pre-Confederation period and in Canada before World War II, noting their place in the development of the Canadian population in general and Ontario in particular.

There is a temptation to regard Canada, indeed all of the Americas before the establishment of European settlement in the sixteenth century, as a vast, open and unpopulated region. This is, of course, untrue. Rather than a *tabula rasa*, early European settlers, traders and administrators found vital native societies in the new world. These first immigrants imposed their own social, political, religious and economic structures on the new world while ignoring or destroying the comparable structures of the native people which were neither understood

Imported German stonemasons working on the construction of University College, (now part of the University of Toronto) in 1857-58. (Courtesy of Metro Toronto Library Board).



Immigrants in downtown Toronto circa 1911 (Courtesy of United Church archives).



nor regarded as relevant. To this day spokesmen for the native people note, in something more than a joke, that all of Canada's present problems could have been avoided if the native people had instituted a more selective immigration policy.

The first colony in Canada, New France, was established to complement the needs of its mother country. The policy of populating the colony was accordingly designed more to serve the interests of imperial France than it was to establish any independently viable French-speaking nation in North America. Immigration was discriminatory. Protestants and Jews were officially barred, and all movement was generally controlled by imperial officials who funded much of the trans-Atlantic migration.

The attempt to recreate the social and economic system of France in this new world environment was only partly successful. If some Protestants found their way to the colony, if distance from Paris and a seemingly boundless supply of land undercut any hope of duplicating the seigniorial system of France, it was not for lack of effort by colonial officials in both Paris and Quebec City. Thus, from these earliest days, immigration into Canada was at once selective and encouraged. Controls or attempted controls by colonial officials were central to organization and settlement of immigrants, who were seen as supportive of the long term economic and military designs of imperial France.

A European war and an otherwise obscure battle on the Plains of Abraham in 1763 ended French imperial domination of Canada and closed off migration from France. Quebec and its hinterland entered the British imperial realm in the new world which now stretched from the Caribbean to the Arctic.

The British victory over the French did not initiate a tide of English-speaking immigrants flowing into this

newest British colony. Except for a handful of British administrators, military personnel and merchants who filled the vacuum left by their departing French counterparts, few English-speaking settlers seemed very interested in Canada. Indeed, it is doubtful whether settlers would have been welcomed by some British administrators in Canada. They feared that an influx of English-speaking, Protestant settlers would only complicate administration in a recently conquered Roman Catholic, French-speaking territory. In any event, most British immigrants were far more inclined to seek out the more temperate climate and familiar social institutions of the American colonies to the south — a pattern which was followed by millions of immigrants during the next 150 years.

If many of the new British rulers of Quebec were content to leave the colony to languish as a quiet backwater of Empire, events were soon to overtake this plan. The American Revolution and its spin-off of displaced persons forced officials to accept many thousands of English-speaking, largely Protestant settlers. These settlers, United Empire Loyalists as they came to be called, were political refugees. Most had supported the losing side in the American Revolution. Rather than accept citizenship in the new American republic, or to escape the threat of retribution for their public support of the British during the conflict, many migrated northward into what remained of the British colonial Empire in North America. The now legendary role of the Loyalists in Canadian development has become part of our national mythology; however, it is interesting to note that several of the characteristic elements of Loyalist migration also foreshadow the overall immigration pattern which was to crystallize over the years.

The initial Loyalist migration into Canada was not a migration by choice but by default. One can assume that had the British forces put down the Revolution, had

Macedonian immigrant popcorn vendor, downtown Toronto, circa 1910.
(Courtesy of Petroff Family Collection).



"Foreigners" on Kensington Avenue, Toronto, June, 1922.



there been no United States, there would have been no sudden wave of English-speaking settlers to Canada. For these Loyalists who eventually formed the core of the colony's ruling oligarchies, and whose descendants still claim a special, almost aristocratic social precedence, Canada was a land of second choice. So it would be for countless immigrants in the future. Canada was chosen because to remain at home was impossible and entry elsewhere — often the United States — was restricted.

If the Loyalist movement northward was not the product of free choice, neither was it an uncontrolled or unassisted migration. Imperial authorities, administrators and military personnel were pressed into action servicing these new settlers, offering them supplies and organizing the distribution of land grants. There is no denying the hardships suffered by these settlers, but their plight was surely made less severe by the full intervention of government agents to assist these first refugees to Canada — a practice which would be repeated into our own day.³

Through the mid-nineteenth century, Canada, and Upper Canada (Ontario) in particular, sustained painfully slow and erratic economic growth. Officially encouraged immigration from Protestant England, Scotland and even the United States, gradually filled the better agricultural lands in the colony and bolstered new commercial or administrative centers like Toronto, Hamilton and Kingston. Even political hostility to the ruling oligarchy, which erupted into open rebellion in 1837, did not disrupt the overall process of gradual development and slow population growth in which immigration played a crucial role. Throughout this period new immigrants

were generally of similar stock and outlook to the community already here.⁴

The late 1840's and the 1850's marked a drastic shift. The great Irish potato famine and to a lesser degree a series of abortive European rebellions in 1848 set loose new waves of immigrants to North America. Of these thousands, many Irish settlers found their way into Ontario.⁵

One can only imagine the degree to which the Irish migrants' arrival signalled major social and economic changes in this staid British colony. In many respects the Irish were Canada's first "foreign immigrants", a term which would be commonly employed fifty years later to describe the influx of immigrants from southern and eastern Europe. While the Irish generally spoke English, they did not mirror the majority social, cultural or religious values of the day. The Irish were Roman Catholic intruders in a Protestant domain. Their loyalty to the Crown appeared suspect in an Upper Canada which demanded ardent loyalty to the Crown as insurance against the threat of American republicanism. Furthermore, the Irish were not, as might be assumed, committed to an agricultural way of life. Having escaped a life in which farm tenancy and the capricious forces of nature made agriculture synonymous with poverty and dependency, the famine-stricken Irish carried with them to Canada little or no enthusiasm for farm life. Furthermore, unlike Canadian farm life, Irish farm life usually did not require living in isolation, far from family or neighbours. Irish farming was usually characterized by life in small villages surrounded by small plots of land tilled during the growing season. In many families men

The Chinese section of Toronto, April, 1923. (Public Archives of Canada).

(Public Archives of Canada).



spent the off-season as labourers wherever they could find work. Often this meant distant travel and several months absence from the local village.

No matter how much the Irish way of life with its seasonal rhythm and village base might have seemed out of place in Ontario, the demand for their labour enabled the Irish to re-establish this same rhythm. Cities and larger towns in Ontario quickly developed their own Irish sections or wards. The contribution of the Irish was measured in economic terms, their deficiencies in social, religious or racial terms. On the one hand the Irish created a seasonal work force ready and able to fill the seasonal labour demands of a newly expanding canal system, lumber industry and burgeoning railway network; on the other hand the low income of the Irish, their Roman Catholicism, seasonal absence from family and differences in life style made them a conspicuous minority group. They filled run-down, working class neighbourhoods and inflated fears of social evils long dismissed as peculiar to the United States, not Canada.

Thus, the Irish immigrant was recognized by commercial interests as a boon. The economy soon became dependent upon his muscle to sustain labour-intensive commercial and transportation development; yet, all the while, much of the wider community saw him as a clergy-bound papist, open to republican propaganda, deserting wife and family for prolonged periods, and straining existing social welfare, charity and police services to the limit. His low economic status and "alien habits" gave rise to anti-Irish discrimination as rabid in its intent as it was pervasive in its application.⁶

For some years the Irish supplied the base of a working class labour force necessary for the slow advance of communication, commerce and industry. Yet the Irish remained an adjunct to, rather than a central component of, mainstream North American economic and social life.

Post-World War II Toronto and an indication of new immigrant nationalities. (Picture by Duncan McLaren.)

In North America and particularly in areas such as Ontario, commerce and agriculture still remained the basis of economic and social activity. Population increase remained tied to land settlement. Gradual commercial and industrial development usually serviced the agricultural sector. As so many of the Irish were not farmers, the Irish labourers were seen as rootless.

If roots and commitment were measured, in part, by land tenure, Ontario was to undergo a shock of its own when good arable land began to disappear from the market, after it had all been filled. Without a large industrial base, with a relatively low death rate, a high birth rate and a small but continuous inflow of immigration from the British Isles, even Ontario of the immediate post-Confederation era had its over-population problems. The United States to the south, with its seemingly boundless supply of free fertile land in the newly opened mid-west and prairie states became a magnet for thousands of new immigrants and Canadians alike. French-Canadians, in turn, were attracted to jobs in the labour-short factories of New England. Reflecting an economic slowdown in Canada and the out-migration to the United States, one witticism of the 1870's and 1880's compared Canadian history to a journey through the *Bible*: "Canadian history begins in Lamentations and ends in Exodus."

This all changed in 1896. With the completion of the Canadian Pacific Railway a few years earlier, the Canadian interior was opened to settlement. However, it was not until a market developed for the agricultural output of the Canadian prairies that settlement began in earnest. This demand for farm goods, especially hard wheat, proved coincidental with the election of a new federal government. The new government recognized the opportunity and moved immediately to fill the west with settlers. This meant immigration.⁷

The name most closely associated with this peak period

Toronto's Spadina Avenue today with its juxtaposition of diverse ethnic enterprises.



in Canadian immigration history is Clifford Sifton, Canada's new and aggressive Minister of the Interior responsible for immigration. He reached back through a long tradition of immigration encouragement and administration to develop a revamped and far-reaching program for the encouragement of immigration. Sifton, however, added a dimension which was never present before — he was prepared to admit agricultural settlers from outside those traditional sources of immigration in the British Isles, Northern Europe and the United States. As Sifton explained in an interview some twenty years later, "I think a stalwart peasant in a sheep-skin coat, born on the soil, whose forefathers have been farmers for ten generations, with a stout wife and a half-dozen children is good quality."

This often-quoted comment by Sifton has been repeatedly employed to prove to sceptics that Canada had an open, progressive and enlightened immigration policy before the onset of the Great Depression of the 1930's. The comment, no matter how often repeated, is not an accurate reflection of government policy. During the period from 1896 to the Great Depression, Canadians, their politicians and immigration officials were less free-wheeling and less receptive to the "peasant in a sheep-skin coat" than Sifton recalled after twenty years. Much though Canadians might now wish it otherwise, Canadian immigration policy between 1896 and the Great Depression was not just a policy of aggressive peopling of the prairies. It was also a policy enacted within the framework of the British Empire in which Sifton, the government and most English-speaking Canadians believed.

In those years, the traditional definition of an ideal immigrant for Canada may have been modified but it was not altered radically. Unabashedly colonial, the government defined immigrants who did not come from the British Isles as "foreign" and, unabashedly North

American, it excluded white, English-speaking immigrants from the United States from this "foreign" category. Thus the ideal immigrants were of British or American stock, were independent farmers and would settle in the west.

Sifton and the government were no more racist in their thinking than the culture of their times. Canadian immigration policy and public opinion was, nevertheless, racist in its philosophy. Racist assumptions were not only widely accepted but also reinforced by the conclusions of much respected scientific, medical, and scholarly thinking of the era.

Sifton and his immigration authorities, pressed by business and railroad interests with visions of an insatiable world demand for Canadian wheat, balanced racial concerns against a frantic search for agricultural settlers. Faced with growing difficulties in recruiting their ideal of the model settler, they thought of substitutes in a descending hierarchy, first British and Americans, then Scandinavians and Germans, then Ukrainians, Russians and Poles. Close to the bottom of the list came those who were, in the government's mind, less assimilable and less desirable people like Jews, Italians, South Slavs, Greeks and Syrians. At the very bottom came Orientals and Blacks.

To understand how this immigration policy was applied, to understand its effect, and its relationship to our own times, a few historical points are worth noting. In spite of government precautions, not all immigrants proved committed to the prairie provinces and agriculture. Like the Irish before them, many of the "foreign" immigrants, non-English-speaking and non-Protestant, rejected a life of rural isolation. They chose instead to find work and live in cities like those in Ontario.

If these "foreigners", Jews, Italians, Macedonians, Russians, Finns and Chinese, had been content to play the role reluctantly left for them, if they had accepted rural isolation as the price for their admission into Canadian economic and social life, hostility might have been minimal. This, however, was not to be. By choosing to remain in centres like Montreal, Winnipeg, Toronto, Hamilton and Vancouver these "foreigners" awakened all the old anxieties and prejudices which had previously been reserved for the Irish.⁸

Yet, if Canadians generally accepted racial definitions of a man's worth, if they worried about the impact of urban immigration, why were these "foreign" immigrants allowed into Canada? The reason is simple. The "foreigners" played a central role in the economic growth of Canada. Like the Irish of an earlier era, "foreigners" met the need for a cheap labour force or pool of skilled craftsmen adaptable to factory and construction. They were prepared to accept seasonal labour in mining or lumbering, which forced them to drift back into cities during the off-season.

For many urban residents, however, the sudden influx of strange peoples, strange languages, men so recently subject to foreign czars, kaisers and gods, seemed to threaten the very fabric of Protestant Canadian society.

(Courtesy of Multicultural Historical Society of Ontario.)



Ontario was no exception. Many residents responded with a dignified tolerance. They recognized that these "foreigners" were here to stay, that their labour and skills were necessary, their bad living conditions open to improvement and, perhaps most important, their children open to assimilation through education or rejection of their parents' way of life. Others saw only social blight. In spite of the basic economic role played by these "foreign" immigrants in centers like Hamilton, Toronto and Sudbury, where they laid streetcar tracks, laboured in the expanding textile factories, dug the sewer systems, many Canadians demanded strict enforcement of immigration regulations along ethnic and racial lines.

This mixed response toward the urban-bound "foreigner", the tension between recognizing the economic importance of "foreign" immigrants to the new Canadian economy while remaining hostile to their foreign ways, came to a head during World War I. Many Canadians are well aware of the anti-German hysteria which erupted in Canada during the war years. This hostility was in large measure directed against immigrants born in enemy countries or those who entered Canada as subjects of enemy monarchs. Nevertheless Canadian patriotic feeling, strong as it was, was still not strong enough to embrace many of those "foreigners" who had been born in allied countries or had come to Canada as subjects of allied monarchs. Despite Canadian military manpower needs, British and Canadian authorities alike felt that, where possible, the place of a "foreigner" was in a foreign army. Consequently, groups such as Italians, Serbians, Poles and some Jews were officially recruited in Canada for shipment back to the armies of their mother country, or placed into specific British Army units reserved for allied "foreigners" of various origins. Without national armies of their own to join, many Jews, Macedonians and Ukrainians volunteered for the Canadian army. It seems, however, that even patriotic service was packaged to allow a division between that of the *real* Canadian and that of the "foreign" intruder.

No matter how much hostility was directed against these "foreign" immigrants it can rightly be argued that they were at least admitted to Canada. They did make their homes in this new land, their children were permitted, even encouraged, to make use of educational skills and individual talents to move successfully into the wider community. Today the struggles of the past, the overt racism of previous Canadian generations are forgotten or, at worst, explained away as misguided aberrations. Nevertheless, it is important to note that the Canadian immigration policy and administration which bowed to economic necessity by letting these southern and eastern Europeans into Canada could not be bent enough to admit other would-be immigrants into Canada, those regarded as even less desirable.

Many Canadians are familiar with the case of Oriental immigrants upon whom was imposed a head tax or landing tax which virtually prohibited their landing. We know of the refusal of Canadian authorities to allow the immigration of female immigrants from the Orient out of fear that this would encourage Oriental men temporarily in Canada as railway or mine labourers to settle per-

manently and, perhaps more importantly, become the parents of yet another generation of the "yellow peril". We might also recall the 1914 case of the immigrant ship *Komagatu Maru* and its human cargo of 376 East Indians who languished aboard ship in Vancouver harbour while Canadian authorities debated what to do with them. We have been told that this episode only ended with Canada's new navy, in action for the first time, driving the *Komagatu Maru* out of Canadian waters while many of Vancouver's citizens cheered approvingly from shore.⁹

A lesser known but equally racist reaction to "foreigners" took place in the Canadian prairies. In 1910 and 1911 rumours spread that a group of Blacks was preparing to migrate to central Alberta. The Blacks in question, descendants of freed slaves, lived in the Oklahoma territory where they had been granted lands and hoped to build new lives. As the white population of Oklahoma increased with new settlers from the states of the defeated Confederacy, and the Oklahoma Territory was granted statehood, the new legislature enacted racially discriminatory laws patterned on those of the southern states. In its effort to encourage reluctant white settlers to move onto railway-owned lands near the Black settlements, Southern Pacific Railroad officials offered to buy out Black landowners and assist their move elsewhere. As a result, when several Black families arrived in immigrant-hungry Alberta, rumours quickly spread that a mass migration of Oklahoma Blacks was imminent.

Public and political response in Alberta was immediate and predictable. Federal authorities, under pressure to close the border to Blacks, responded with a scheme ingenious in its simplicity. There was nothing in the *Immigration Act* of the day specifically to bar Black Americans but there was enough leeway under the medical provisions of the *Act* effectively to deny access to any would-be immigrant for health reasons. The government merely instructed immigration inspectors and their medical aides along the American border to reject all Blacks as unfit for admission on medical grounds. To reinforce this approach and, moreover, to make the actual application of this directive secondary to the threat of its application, the government also placed announcements in Black and Oklahoma newspapers declaring that all Blacks would be refused admission to Canada for medical reasons. Blacks should not, they were warned, even waste their time and money by considering a move to Canada. Thus, the threat of a so-called medical inspection became both prevention and cure for the government's problem.¹⁰

The Great Depression which began in late 1929 effectively closed the door to immigration into Canada. Endemic unemployment, the ever declining need for labour and a sharp fall in farm income took the wind out of the government's long-standing encouragement of immigration.

If the closing of the doors to immigrants made economic sense it was soon to challenge Canadian humanitarian sensitivities. Within four years of the onset of the economic depression, Hitler ruled in Germany. The con-

sequent legitimization of violent attacks on political opponents and Jews is well documented. The eventual disposition of the refugees who escaped these attacks is not well known; the role of Canada in this human drama is still more obscure. A complete study of Canada and the pre-war "refugee question", as it has become known, deserves a volume of its own. However, a few general comments are in order here. Once again, many Canadians responded to these refugees with a mixture of sympathy for their desperate plight and embarrassment at the lack of government aid; other Canadians held a very different view. These Canadians, including members of the federal cabinet, diplomatic corps and, of course, policy makers on immigration matters, reacted with alarm to any pressure on Canada to accept large numbers of Jews and alleged political radicals escaping Germany. As a result, relatively few German refugees were able to breach Canadian immigration restrictions. Though Canadians were almost universally repelled at the excesses of Nazi power, Canada was closed to the victims of that regime.

The sad saga of the *St. Louis* is worth recalling. The "voyage of the damned," as this passenger ship's famous journey has been called, began with the embarkation of several hundred refugees from Nazi Germany on the eve of war. They sought refuge somewhere, anywhere in the new world. As they crossed the Atlantic efforts to gain admission to a safe haven proved unsuccessful. In scenes reminiscent of the *Komagatu Maru*, the *St. Louis* with its refugee cargo eventually found itself stranded in Havana harbour unable to land.

Canada's official response to the agony of the *St. Louis* was cool and diplomatically correct. Authorities expressed their sorrow but saw no reason to make an exception to Canada's tight immigration regulations since it might open the door to a flood of refugees. In private, officials were even more vehement in their opposition. In spite of formal pronouncements of sympathy and a series of heartening editorial comments in the Canadian press, Canadian immigration authorities and elected officials could not countenance turning Canada into a haven for Jews and those they considered as political radicals.

In the end the *St. Louis* was forced to return to Europe. Some of its passengers were admitted to Britain and the remainder landed in Holland. Many of the latter group were eventually interred in concentration camps and exterminated by the Nazis.¹¹

It would be misleading to assume that an incident such as the *St. Louis* or the Oklahoma Blacks or even the World War I hostility to immigrants from enemy territory was the rule. Nothing could be further from the truth. In the period between the turn of the century and the Great Depression more than four million immigrants entered Canada, the majority falling into groups which were classed as "foreign". It would be equally misleading, however, to claim that the temper of the times, the philosophy of national development, or attitudes of immigration officials and policy makers, were not racist. They were.

Much of what we now accept as basic to our sense of

national justice and self-worth, and of importance in assuring basic human rights and dignity, was too often missing when it came to immigration. Canada needed immigrants. It deliberately sought them out, it exploited their labours and their talents, it even tempered its ethnic and racial preferences to conform to domestic economic needs. But it did not have a non-discriminatory immigration policy. Canada restricted entry on account of race or ethnicity and, unpleasant as it may now seem, the Canadian public either approved such exclusions by openly supporting rejection of certain groups and individuals or by cultivating ignorance of the immigration process which was used to keep the unwanted out.

World War II marked a watershed in Canadian immigration policy. In the wake of the war, the realization of what unbridled racism could do, the advances in our understanding of genetics and the social sciences, and the increasing strength of non-white countries forced large scale changes in community values and government immigration policy. Racism, while not extinct, is at least unacceptable within the framework of our laws and in most social interactions. Yet, as incidents of racial hostility continue in Ontario, it remains all too obvious that racism is still a powerful force in community thinking.

The current immigration debate is inextricably bound up with the history of Canadian immigration. As Canada moves closer to the introduction of a new *Immigration Act* it is crucial that Canadians ensure that economic or social expedients are not used to mask an immigration policy which is or can again be an instrument of prejudice. It is well and fine for Canadians to applaud their human rights legislation or find pleasure in the spirit of multiculturalism; but, it is equally imperative to make sure these hard-won victories over prejudice extend to cover the *Immigration Act*, and of equal importance, to cover the administration of that *Act*. Anything less indicates that we have learned nothing from our history except how to repeat it.

Footnotes

1. Freda Hawkins, *Canada and Immigration, Public Policy and Public Concern*, (Montreal: McGill-Queen's University Press, 1972).
2. Canada; Department of Manpower and Immigration, *Immigration Policy Perspectives*, (Ottawa: Information Canada, 1974).
3. L.F.S. Upton, editor, *The United Empire Loyalists: Men and Myths*, (Toronto: Copp Clark, 1967).
4. Helen I. Cowan, *British Emigration to British North America: The First Hundred Years*, (Toronto: University of Toronto Press, 1961).
5. Edwin Guillet, *The Great Migration*, (Toronto: Nelson, 1937).
6. Kenneth Duncan, "Irish Famine Immigration and the Social Structure of Canada West", *Canadian Review of Sociology and Anthropology* 2(1965), 19-40.
7. Harold Troper, *Only Farmers Need Apply*, (Toronto: Griffin House, 1972).
8. Robert Harney and Harold Troper, *Immigrants: A Portrait of the Urban Experience, 1890-1930*, (Toronto: Van Nostrand Reinhold, 1975).
9. Ted Ferguson, *A White Man's Country: An Exercise in Canadian Prejudice*, (Toronto: Doubleday, 1975).
10. Harold Troper, "The Creek-Negroes of Oklahoma and Canadian Immigration, 1909-1911", *Canadian Historical Review* 53(1972), 272-288.
11. Gordon Thomas and Max M. Witts, *Voyage of the Damned*, (New York: Fawcett World, 1975).

"Human Relations" Reprint

The Age of Androgyny

By June Singer

Is anyone unaware that there is a trend to remove the rigid distinctions between the way men and women function in today's workaday world? Here is an in-depth analysis of the psychological foundation of the Women's Movement — with implications which are as important for men as for women.

I

My consulting room provides a window to the world through which I see two growing tendencies among women and men today. The first I perceive as an attempt to obliterate the cultural and sociological differences between masculine and feminine functioning in the workaday world. This I call the tendency toward androgyny. The second tendency appears as a resistance against the first! One part of the population seems intent upon achieving (in Jungian terms) as complete an integration of the anima and animus as possible, by educating people away from stereotypical sex attitudes and by providing equal opportunity and responsibility for both sexes in all areas. The other part of the population seems intent upon thwarting this integration by insisting upon the essential differences between male and female consciousness and upon the necessity to conform attitudes and behavior to these differences.

June Singer is a Jungian analyst in Chicago and one of the founding members of the Inter-Regional Society of Jungian Analysts. She is the author of *Boundaries of the Soul*, *The Unholy Bible*, and *Androgyny: Beyond the Boundaries of Sex and Gender*.

Editor's Note: This article appeared in the Winter, 1975 issue of *Quadrant*, the Journal of the C.G. Jung Foundation for Analytical Psychology, Inc., 28 East 39th Street, New York, U.S.A. 10016, and is reprinted with permission.

The age of Pisces — the two thousand years of the Christian era — may be characterized, at least in the western world, by the term *polarization*. We talk of the polarization of art and science, of thinking and feeling, of psyche and soma; but nowhere is polarization more evident than with respect to masculine and feminine psychology. The Piscean image of two fish swimming in opposite directions one could see as the male diving downward into the depths, the female striving upwards toward the surface, an appropriate metaphor for the urges of the unconscious—men seeking their own depths in the waters of the unconscious, women striving to find recognition out in the world. For both sexes it has been a long and eventful struggle, and it is far from over.

A symbol of that struggle's goal one might see in the image of Aquarius the waterbearer. A yoke on his shoulders balances two pails carrying equal amounts of water, one on each side. *Yoke* comes from the Sanskrit root meaning *yoga*, the philosophy which united body and psyche in the service of the Self. Sex is of the body, since being male or being female is a matter of anatomy. We must distinguish, however, between sex and gender. Gender, that is, masculinity and femininity, is of the psyche and is largely determined by the collective consciousness. The term *gender* refers to attitudes and behavior. We know that 'masculine' and 'feminine' qualities coexist in each sex. Most people correspond in gender more or less to their sexual makeup, appearing female and feminine, or male and masculine. What is not so apparent is the contrasexual aspect — the psychological component which does *not* correspond to one's anatomical sex — namely, the masculine element in woman, and the feminine element in man. We may understand the Aquarian image as *the yoga of the two in one*.

Today, entering the age of Aquarius, the average woman has the opportunity to unite with her inner masculine potential in a far less restricted way than ever before. More and more women are moving away from full-time homemaking and are assuming some of the functions and modes reserved to men in the past. Women are developing business and professional skills and contributing to the economic support of their families. And

many men are taking up life styles formerly denied them for reasons of convenience, convention, or economic necessity. The integration of the opposites can proceed in both directions.

Androgyny is defined by Carolyn Heilbrun in her scholarly work, *Towards Androgyny*, as a condition in which the personalities of the sexes are not rigidly defined. Furthermore, she believes that our future salvation lies in a movement away from sexual polarization and the prison of gender, toward a world in which individual roles and the modes of personal behavior can be freely chosen. The implication is that the determining factors in a person's behavior should stem more from inner nature than from societal expectation. *Androgyny*, she suggests, seeks to liberate the individual from the confines of the appropriate.¹

II

The analytical method tends to polarize concepts, including those of the masculine and the feminine. Since these concepts reflect the collective consciousness, the compensatory aspects in the unconscious must also be polarized. For example, Jung makes statements like these about masculine and feminine consciousness:

Just as a woman is often clearly conscious of things which a man is still groping for in the dark, so there are naturally fields of experience in a man which, for woman are still wrapped in the shadows of nondifferentiation, chiefly things in which she has little interest.²

We must therefore expect the unconscious of women to show aspects essentially different from those found in men...as the anima produces moods, so the animus produces opinions.³

When it comes to women's opinions, the animus is frequently in for criticism. True, some women who have been denied educational opportunities may compensate

Androgyny is a condition in which the personalities of the sexes are not rigidly defined. The goal of the new androgyny is a new level of consciousness.

a lack of authority by an increase in vigor of expression; yet, in schools and colleges up to the graduate level, women tend to produce higher marks than men and to be at least as meticulous in work requiring fine discrimination of thinking. Thus many women feel justified in reacting negatively to statements like this:

Animus opinions often have the character of solid convictions whose validity is seemingly unassailable...In reality the opinions are not thought at all.⁴

Jung often takes a condescending attitude toward the animus — but not when woman places her animus at the service of a masculine companion, bringing forth "some-

thing that we might call *logos spermaticos*, the spermatic word." And Jung says,

Just as a man brings forth *his work* as a complete creation out of his feminine nature, so the inner masculine side of a woman brings forth creative seeds which have the power to fertilize the feminine side of the man. (Emphasis mine.)⁵

While both men and women are supposed to draw their creative energies from the unconscious, Jung here makes a subtle difference: man's anima helps man to produce his creative work, while woman's animus is to be engaged in inseminating man's anima, which thereupon inspires man to produce his creative work.

Where then is the source for woman's independent creativity?

Jung published *Two Essays In Analytical Psychology*, from which these excerpts are drawn in 1917, when woman in Europe had little opportunity to express her natural capacities except within the home and her family relationships. Consequently, she developed her skills in handling people, in performing educative and nurturing functions — and in acting as a sounding board for the ideas of the men in the family, who were in daily competition for the necessities of life, or for status or power. Women carried out their strong commitments to family life with responsibility and skill, for the most part. Few women were in a position to control their fertility; they were destined to devote some twenty years of their lives to bearing and rearing children, whether or not they wished to, or were particularly gifted to do so. There was little purpose in educating their intellectual functions — still less in teaching them professional skills — unless they were willing to forego love, sex, and the joy of parenthood. The necessity to make this kind of choice was the woman's, until the advent of reliable contraception. It is a choice that men, as a matter of course, have never been forced to make.

We can assume that Jung, in his early writing on the anima and animus, writes from a man's bias; he even admits his reluctance to speak of feminine psychology. He also writes out of a particular time and place. Switzerland considered itself a democracy, although the female half of the population was one of the last in the civilized world to be granted the privilege of voting.

It does not seem inadmissible, therefore, in our time and place, where the woman's role differs vastly from what it was in Europe half a century ago, to approach the subject of gender attitudes from a woman's perspective. I am unwilling to say that I speak with a 'feminine' bias, any more than I would say that Jung spoke with a 'masculine' bias. Each person makes his or her observations from a *Weltanschauung*, which must be accepted as a given, and each hopes to move onward from that place.

III

Many behavioral models of the past are not viable today. Implicit in Jung's concept of the collective unconscious lies the realization, only recently affirmed by molecular biologists, that much of the information



Toronto Star photo

necessary for our development is coded into our genetic structures before we are born. Furthermore, ethologists have broken down the conceptual barriers between what is innate and what is learned, by recognizing that from the moment of conception the embryo is already deriving nourishment and, with it, extraneous information from its environment.⁶ The infant, by the time of birth, is filled with the incredible richness of generations.

Added to this is the unprecedented amount of stimuli to which young children in our time are subjected. When all the world parades before the child's eye — today's world as well as the history and drama of ages past — when he may look into the faces of abject poverty one moment and be present at the feasts of kings the next, today's child is going to have a difficult time accepting a rigid definition of role. Television has so highly stimulated his fantasy that the task of in-school education is now to narrow down the focus, to concentrate attention, to discipline away from the use of imagination. But it seldom works, for the child who has spent the hour before school watching the latest world news in glorious color and has seen the weather reported through cloud pictures taken from satellites out in space,



Miller Services

this child will have little interest in a teacher lecturing from behind a desk.

Life has lost its linear quality. We have lost our lust for the slow process of coming to consciousness step by step, with the tiny ego gradually differentiating itself out of the boundless Self, finding its conscious position as a man or woman, accepting in the process all the stereotypes belonging to his or her gender role.

It is true that we continue to be limited by our biology, but just barely. Woman is still the only sex able to conceive and bear children, but already human fetal life has been grown in a test tube for a short time. Some technology for genetic engineering is already here and more is being developed. We will soon be able to choose the sexes of our children. This, alone has awesome implications.

We are limited even less by psychological preconceptions. We no longer see life as a lumbering process, moving progressively through successive stages.⁷ It is typical of our times that during youth questions of philosophy and religion arise which formerly were relegated to maturity or old age. There are today many lives within a life, not simply birth, growth, and death. Within these

many lives are possibilities unheard of a few years ago. It is not uncommon for people to change their vocations two, three, even four times within a lifetime. Women return to higher education after their childbearing years, then enter careers that would not have been open to them a decade ago. Men married to such women are assuming a share of household responsibility and a role in child-rearing. They are discovering that you don't have to be able to bear a child in order to nurture it. Older people are taking advantage of university programs for 'returning scholars.' Psychological research has shown that IQ does not begin to deteriorate when youth fades, but that it holds up remarkably well into the sixth and seventh decades.⁸

In our changing civilization, there is even the possibility of changing sexes. Christine Jorgensen was a sensation a few years ago. Now James Morris, the British journalist who accompanied Sir Edmund Hillary on his conquest of Mt. Everest, has written a book called *Conundrum*. It is the personal report of his transformation into a woman, Jan Morris, through hormonal treatment and transsexual surgery.⁹ When Jan Morris appeared on the television talk-shows to promote her book, one saw a gentle, sensitive woman who nevertheless retained the clarity and precision usually associated with 'masculine' thought processes. I could not help feeling regret that the man, James, was apparently unable to recognize that the so-called 'feminine' qualities of personality ("silk is feminine, nylon is masculine") are not withheld from men, but exist within them along with the so-called 'masculine' qualities, most of which have nothing to do with genitalia. The error, it seems to me, comes from the assumption that a 'real man' does not exhibit 'feminine' qualities any more than a 'real woman' would exhibit 'masculine' qualities. A similar fear was recently expressed by a New England preacher who said that terrible things were happening in the 'liberated' schools, where seventh graders of both sexes were taught cooking and eighth graders of both sexes were taught household mechanics. The clergyman was sure that putting a boy in the kitchen would make the child a homosexual.

"We seem to be experiencing the positive and negative aspects of a transition from a society of sex stereotypes to one that is androgynous in nature, where differentiation occurs along the lines of individual personality structure and individual potential."

The goal of androgyny clearly is not to change men into women or women into men — either physically or psychologically. Nor is it to encourage homosexuality. Such dubious objectives recall the tasteless novels of the Romantic Movement in England and France, dealing with sexual pathology, the macabre and the diabolical — such works as Oscar Wilde's *Salomé* with her vampire passion; the *Hérodias* of Mallarmé; the writings of Péladan and Gautier, obsessed as they were with the hermaphrodite; the celebration of Lesbian love in Baudelaire; the morbid interest in sexual flagellation in the Marquis de Sade and in Swinburne; and there were many others.¹⁰

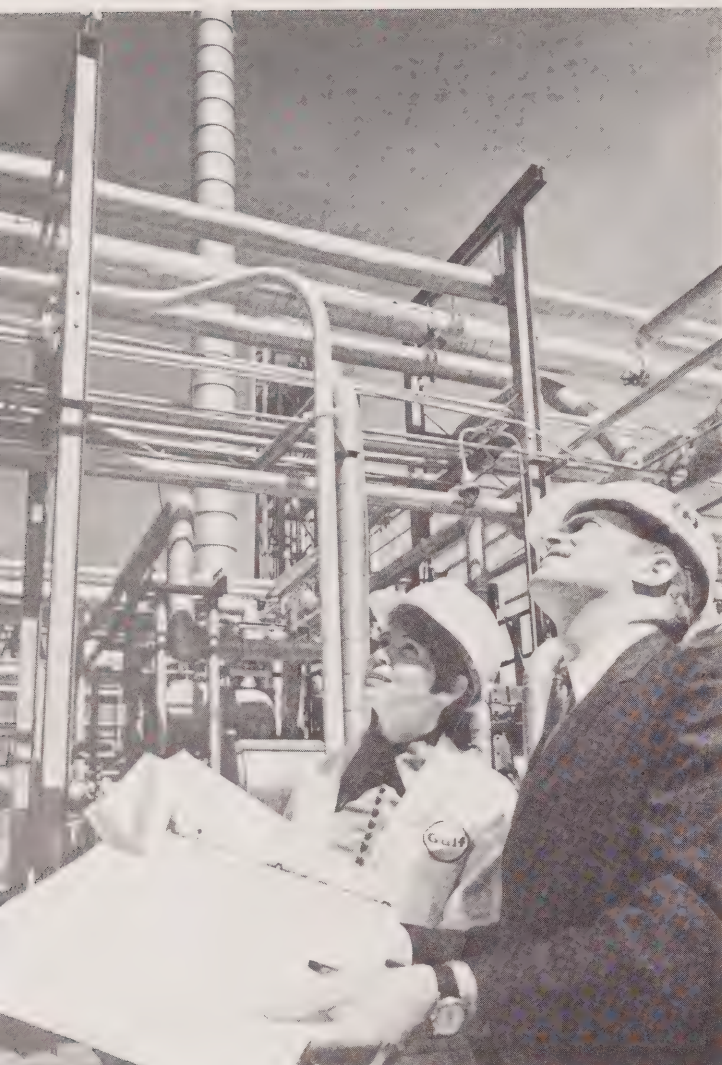
The decadent writers understood the androgyne simply as a hermaphrodite in whom both sexes exist anatomically and physiologically. According to Eliade, these writers were concerned not with a wholeness and fusion of the sexes but with a superabundance of erotic possibilities.

Their subject is not the appearance of a new type of humanity in which the fusion of the sexes produces a new unpolarized consciousness, but a self-styled sensual perfection, resulting from the active presence of both sexes into one...This idea of the hermaphrodite has probably been encouraged by the study of certain ancient sculptures. But the decadent writers did not know that the hermaphrodite represented in antiquity an ideal condition which men endeavored to achieve spiritually by means of imitative rites; but that if a child showed at birth any signs of hermaphroditism, it was killed by its own parents. In other words, the actual anatomical hermaphrodite was considered an aberration of Nature...Only the ritual androgyne provided a model, because it implied not an augmentation of anatomical organs, but, symbolically, the union of the magico-religious powers belonging to both sexes.¹¹

The inner image of the opposite sex is no longer so mysterious today. The infusion of our Western culture with the philosophy of the East, which recognizes the opposites in all things, has led to new forms of consciousness here in the West. While Jung was nearly alone when he brought the wisdom of the East to the world of the psychologically sophisticated in the 1930's, today the *I Ching* and *The Tibetan Book of the Dead* are common sights on the bookshelves of college students. They know that the *I Ching* is a manual based on the Taoist *yin* and *yang* principles, which are associated respectively with yielding and firmness, dark and light, receptivity and creativity, and above all with the archetypes of the feminine and the masculine. They know also that of the sixty-four hexagrams which speak to the human condition, all but two combine both *yin* and *yang* elements to form the complexity of the human personality, which includes both elements in its unique configuration and balance. They know, too, that *The Tibetan Book of the Dead* calls for meditation upon the Guru Father-Mother.

"The father and mother" are the male and female seen in union; the *Guru*, not the human guru; and the Divine Mother is the *Guru's Shakti*.¹²

One seeking rebirth is told, "When thou seest them, remember to withhold thyself from going between them." This is understood to mean that there is a tradition of the union in the soul of every individual, and it is essential that we recognize this union. Partly because of the in-



Courtesy of "Topical"

roduction of such works to the West in the early days of Aquarius, men are more than ever aware of the anima in themselves, and women of the animus.

IV

The question must arise, why have we had to go to such esoteric disciplines as a mantic book of the Taoists or the *Bardo Thödol* to find models for the principle of an androgyny in which anima and animus are integrated into the conscious personality? It is because the Judeo-Christian culture, unlike the Hindu, Buddhist, and Taoist disciplines of the East, has undervalued the spiritual significance of the feminine by refusing to worship any but a male God. Yahweh, the self-styled "jealous God" would have no other gods before himself; much less would he even mention the possibility of a female consort who might have a share in his power. The particular character of the God of the Pentateuch provided the prototype for the role-image of the dominant male.

There is consequently a long historical tradition of the so-called inferiority of women in our Judeo-Christian culture. It first appears as we read of Adam and Eve in the creation mythology in Genesis. Among several



Miller Services

strands, at least two versions of the story are evident. In one, God has fashioned man, that is, Adam, in his own image. Only secondarily is Eve fashioned from Adam's rib, to be a helpmate for Adam. (Gen. 2:18-22) As Hillman points out, the commonly accepted concept of the primacy of the male is here established and

the psychological history of the male-female relationship in our civilization may be seen as a series of footnotes to the tale of Adam and Eve.¹³

The first chapter of Genesis contains another version, however, in which man and woman are created together: "So God created man in His own image, in the image of God created He him; male and female created He them." (Gen. 1:27-8) Biblical scholars generally agree that this myth preceded the later one, in which God creates Adam first. A Kabbalah scholar comments:

The translators of the Bible have carefully crowded out every reference to the fact that the Deity is both masculine and feminine. They have translated a *feminine plural* by a *masculine singular* in the case of the word Elohim. They have, however, left an inadvertent admission of their knowledge that it was plural in Gen. 1:26; "And Elohim said: Let Us make man." How could

Adam be made in the image of Elohim, male and female, unless the Elohim were male and female also?¹⁴

The Hebrew Bible was largely codified around the sixth century B.C., and, in the process, there was borrowing and distortion from Sumerian and Babylonian sources. The Hebrews had come into Canaan much earlier, as wandering nomads from the Syrian desert. They had overthrown the city-states, dethroned the ancient Goddess, and, in her place, enthroned male aggression in the form of Yahweh. In time, Yahweh's Temple fell and his people were carried into Babylonian captivity. There the Hebrews heard the account of creation as written in the *Enumah Elish*: "In the beginning *Tiamat* brought forth the heavens and the earth...*Tiamat*, mother of the gods, creatrix of all." *Tiamat* of the bitter waters and *Apsu* of the sweet waters were co-mingled in abysmal chaos. Before anything was brought forth there was the primal androgyny. The Hebrew version of the creation tale, however, reflected the patriarchal nature of Hebrew society: "In the beginning *God* created the heavens and the earth." (Italics mine.)¹⁵

The theme of androgyny finds its way into the *Midrash* where Adam is represented as having been androgynous. Eliade writes,

According to the Bereshit rabba, "Adam and Eve were made back to back, joined at the shoulders; then God divided them with an axe stroke, cutting them in two." Others hold otherwise, that "the first man 'Adam' was a man on the left side, a woman on the right, but God split him in two halves."...Terrestrial Adam was no more than an image of the celestial archetype; he too, therefore, was an androgyne. By the fact that the human race descends from Adam, the (male-female) exists in every man, and spiritual perfection consists precisely in rediscovering within oneself this androgynous nature.¹⁶

For Jacob Boehme,

Adam's sleep represents the first fall: Adam separated himself from the divine world and 'imagined himself' immersed in Nature, by which act he lowered himself and became earthly. The appearance of the sexes is a direct consequence of this first fall...Another fundamental idea of Boehme...was that Sophia, the divine Virgin, was originally part of primal Man. When he attempted to dominate her, the Virgin separated herself from him...But even in his present fallen state, when a man loves a woman he always secretly desires this celestial Virgin.¹⁷

Eliade suggests that Boehme probably borrowed the idea of the androgyne from alchemy, since he makes use of alchemical terms. "Actually one of the names of the Philosophers' Stone was precisely *Rebis*, the 'double being' or the hermetic Androgyne."¹⁸

The philosopher's stone, the goal of the alchemical process, has as its parallel the new Self, the goal of Jungian analysis. This transformed Self, like its alchemical prototype, is androgynous. Its appearance is to be anticipated when the formal analytical process will have run its course. In the transference and counter-transference, the ego-shadow dialogue will have been experienced; anima-animus problems and other archetypal problems will have been worked on. Both analysand and analyst will have been able to engage — separately and together — in ego-self dialectic. Out of the libido that may then be released in the dynamic interaction of two people who have become in themselves more whole, there

may be conceived the numinous androgyne, *filius philosophorum*. The new level of consciousness, the new androgyny, will be altogether unlike the primal androgyny from which the world was born. What is now experienced is the refined and differentiated androgyny which has come about as a product of the *opus*. On one side is the female androgyne, a woman whose predominantly feminine humanity is able to bear its fruit by reason of continuous fertilization from her animus. On the other is the male androgyne, a masculine person, who has found a place of incubation for the seeds of his creativity, in the dark moist depths of his own soul.

V

It is important that, once we have recognized the need to accept our inner androgyny, we understand the grave risks to be encountered in the process of living it out, of integrating the contrasexual other. When the anima or animus becomes available to consciousness, its libido — having long been restricted — becomes highly volatile. The psychological volatility of the androgyne can be frightening. Being able to function in new ways, as well as in all the old ways, gives one a sense of power, and the power can consume. For example: some women, experiencing success in the external world, come to the idea that men are really not very important to them, or to their self-images. This idea finds reinforcement in the fact that the woman who does not have a man at her side is today no longer an object of pity; she is often an object of respect, sometimes even of envy. She values, perhaps overvalues, independence; but in the process of achieving

"We need to recognize that androgyny is neither a novelty nor an anomaly, but a modality of being particularly suited to the developing consciousness of the Aquarian age."

it, she may be denying her own natural femininity. By thinking she can be both man and woman, she may delude herself into rejecting men. She sees the enemy as 'out there,' in a male-dominated society and ignores the negative aspects of the domineering animus within herself.

I am speaking now from personal experience, for in the decade since I completed my formal analytic training I have been fighting a slow battle for the liberation of my own individuality. Years ago, I felt society's expectations that I function in a 'feminine' way had forced certain limitations upon my creative expression. I had accepted the idea that being a creative woman required an enormous amount of talent and energy, for she had to fulfill all the feminine obligations connected with the helpmate



Photo Stephen Shames

role and also be at least as competent as (preferably more competent than) a man to succeed in the vocation of her choice. The world, it seemed to me, forced women into a compliant role and then blamed them for not having more initiative and independence. More recently, it had seemed that my personal analysis, my professional work, and some sympathetic human relationships, had worked together to heal my frustrations and soften my anger — making it possible for me to recognize my own responsibility for the roles I had assumed in the past without ever challenging their validity. So, laboring under the delusion that I had made significant progress in dealing with my own animus, I agreed to present a paper on the anima-animus theme at the Sixth Congress of the International Association of Analytical Psychologists.

Writing this paper forced me to re-examine the issues I had stormed against — but now from the Logos side. Yet I could not abandon my feelings either. As I tried to write, the feminine ego would be in the foreground at one time, the driving animus at another. These two shifted back and forth until one version of the paper sounded like a panegyric to the androgyne and the other like an



Miller Services

article pieced together from musty encyclopedias. There were times when I would have been willing to abandon the project altogether; at other times I told myself I would complete it or die in the attempt. I was in the grip of a demonic writer's block, which was especially painful since in the past I had been able to guide students and writers through *their* creative impasses. But now I could do nothing about my own.

After much suffering, I had a dream, from which I learned that the attitudes between which I had been caught were *both* wrong. The first had been the expression of a humiliated feminine ego, the second of an inflated animus. My dream offered a third way, the way of the androgyne. I needed the dream to bring the potency of the animus into realization in a deep sense, a sense which went beyond mere intellectual recognition:

The dream is a wordless, soundless ballet, created by an unknown Choreographer. On a bare stage dance a group of slim, lovely women. All wear gowns of flowing chiffon in pale colors, soft yellow, misty violet, dusty pink, pearl grey. Gracefully they flutter and sway about the stage. Suddenly a dark, shadowy monster appears and darts aggressively toward a few of the women on one

side of the stage. They shrink back in horror. Then he moves in another direction and approaches a small group. Those women turn away in fear. Wherever the dark figure comes near, the women retreat. With each retreat, one or two disappear from the stage. Gradually the number of women diminishes. At last one woman remains alone in the center of the stage. She wears a light rose-colored gown. Now the monster moves toward her. She stands her ground and looks into his eyes. Then she slowly reaches out her arms toward him. He moves close to her, covering her with his shadow. The woman clasps her arms about him and embraces him. As she does so, she grows straight and tall, far taller than before. The monster merges into her. She absorbs him. I see that now she is clothed in a gown of deep wine-red, for her pink pallor has mingled with his shadowy purple blue. The new figure is triumphant in strong feminine beauty as she glides serenely across the stage.

I was puzzled about what sort of animus the dark male figure represented. Why did most of the women shrink away from him? Why could one woman accept him? How was it that she grew taller after her union with him? Is there a parallel between her acceptance and the sympathy, even indulgence, shown by God to Mephistopheles in the "Prologue In Heaven" of Goethe's *Faust*? When the Heavens close and the archangels disappear, Mephistopheles is face to face with the Lord, who says of him:

Of all the spirits of negation
The rogue is least of burdens to be borne
Man's efforts sink below his proper level,
And since he seeks for unconditioned ease,
I send this fellow, who must goad and tease
And toil to serve creation, though a devil.¹⁸

Mephistopheles must be the dark animus in my dream, the spirit who, in Goethe's conception, "denies, protests, and above all, *halts* the influx of life and prevents things from being done."²⁰ Mephistopheles is the "father of all hindrance" (*'der Vater...aller Hindernisse'*)²¹ Mephistopheles asks Faust to *stop*. (*'Verweile doch!'*) "Whatever ceases to change and transform itself decays and perishes."²² Although the Mephisto-animus uses every means to oppose the flux of Life, he stimulates Life in the woman who is willing to take him consciously into herself. He fights against the Good, but ends by doing Good.²³

The union with the contrasexual other is perilous. But there is no turning back now, for the age of Aquarius is here, with its paradigm, the androgyne. The coming of the new androgyne had long been envisaged by the German Romantics.

For Ritter, the man of the future would be like Christ, an androgyne. "Eve," he wrote, "was engendered by man without the aid of woman; Christ was engendered by woman without the aid of man; the androgyne will be born of the two."...Friedrich Schlegel, too, envisaged the ideal of the androgyne in his essay *Über die Diotima*, in which he attacks the value attached to the exclusively masculine or feminine character. "For," he wrote, "the goal towards which the human race should strive is a progressive reintegration of the sexes which should end in androgyny."²⁴

Inner androgyny is not essential to the enjoyment of

"...the Women's Movement has been the catalyst of a new consciousness."

sexual love. Where sexual love is enhanced by dependency upon the beloved, one person needs the other to fulfill the missing elements in his or her own personality; this tends toward a symbiotic relationship, often mutually rewarding, but which does not further the androgynous development. For, when possessiveness becomes an important part of sexual love, the love object must be held close, not only physically but in a psychological sense as well, inhibiting the freedom to explore one's own nature through a variety of relationships, that is, to sense oneself as an individual freely participating in a world of possibilities. Nor is inner androgyny necessary where pure sensual enjoyment is the aim of sex and joyous abandon the means of achieving it. In short, androgyny is not a *sine qua non* for those who look to sexuality for the fulfillment of interpersonal and emotional needs. There are, and have always been, other ways.

But there are those who seek in sexual love far more than the pleasure of human relationships. There are those who regard sexual love as potentially carrying the divine image of creation into the lives of ordinary human beings. For these, the inner androgyne is necessary. Franz von Baader wrote, "the aim of marriage as a sacrament is the restoration of the celestial...image of man as he should be." He warns against confusing sexual love with the instinct for reproduction and says that its true function is "to help man and woman integrate internally the complete human image, that is to say, the divine and original image." Baader considered that a theology which will present "sin as a disintegration of man, and the redemption and resurrection as his reintegration" will conquer all other theologies.²⁵

The image of a Lost Paradise before the Fall lives on in the human psyche. The *coincidentia oppositorum*, the reunion of opposites, the totalization of fragments, all reflect our nostalgia for that time in our infancy, or in the childhood of mankind, before we knew of conflict and anxiety. Many people today feel torn and separate. Some are turning to forms of androgyny which are already effecting changes upon our way of life. In many places today, from genetic engineering to rock music, from philosophy to fashion design, the androgyne is clearly visible.

There seems to be an awakening in America to the realization that the anima and animus are not mere abstract concepts, only 'psychological experience.' They are part and parcel of our bodies and so of our behavior. Anima and animus no longer lurk in the depths of the unconscious, to which they were relegated by the patriarchal dieties of the West, from Jehova to Jove. Anima and animus have 'come out,' they are onstage, they are acting in the world. I don't recall the source of the quotation,

but I cannot forget the message: "We have looked at the enemy and he is us!"

The secret is out. I hear it every day in my consulting room. Men speak openly about their taste for sensuous fabrics, their need for affectionate physical contact with both men and women, their enjoyment of quiet hours home alone, their involvement with music. Men cook and do needlepoint. They weep openly. They are discovering that not all relationships with the other sex need be sexual. Most important, they let their genuine feelings flow freely into every aspect of their lives in a way that would have seemed strange only a few years ago. For many the pendulum has gone full swing; in their haste to welcome the anima into the realm of consciousness, some men put aside their forward thrust into the world and become passive, sensual, and narcissistic. They have discovered their inner selves and are lost in rapture. Objectivity they regard as coldness, and clarity of thought they dismiss as intellectualization.

As the anima has been gaining more recognition within, women in the outer world have been gaining in strength and influence. Women are completing educations that were interrupted by the needs of a young family. They have seized quickly the opportunity to reenter colleges — where there are plenty of unfilled spaces because of the falling birthrate. Ten years ago a woman of forty who wanted to get into a Ph.D. program was treated like a Civil War veteran applying for the Air Force; today she is warmly welcomed, and special programs are designed to fit her personal schedule. The educated, economically self-sufficient woman of today is not settling for just any man who will provide for her and treat her kindly. She demands a full participating partnership in everything from sex to salary, and she demands emotional and intellectual compatibility besides. (Is it any wonder that some men, afraid they cannot measure up, become impotent?) In the process of becoming liberated from secondary roles in a male-dominated world, women have sometimes attempted to take over the very power they have resented when wielded by men. One of the most negative results of this has been the rise in crime rates for women; their participation in armed robberies, for example, has risen more than twice as rapidly as that of men during the past ten years. The secret is out; the animus no longer slumbers in the hidden chambers of the unconscious.

We seem to be experiencing the positive and negative aspects of a transition from a society of sex stereotypes to one that is androgynous in nature, where differentiation occurs along the lines of individual personality structure and individual potential. The transition is bound to be tumultuous, and we must be wary if we are not to fall by the wayside into a decadence which reeks of *fin de siècle* hermaphroditism.

Our society is in need of guidelines by which an integrative transformation in human consciousness can take place.

VI

I believe that Jung's ideas, particularly those in his later works on alchemy and the *coniunctio*, provide an

orientation for the union of opposites by viewing androgyny as a true spiritual force. Without an understanding of the historical-religious basis for androgyny, the movement becomes a cultural fad, an excuse for abrogating traditional values. Jung helps us to place the movement towards androgyny in a wider context, so that we understand it as an essential element in the human condition, instead of as something that we have to do or to make. His later writings give a vision of the continuous interplay of opposites within a transcending unity — an oscillation which takes place in nature and in the world as well as within the psyche.

The primary connection between image and instinct explains the interdependence of instinct and religion in the most general sense. These two spheres are in mutually compensatory relationship, and by "instinct" we must understand not merely "Eros" but everything that goes by the name of "instinct." "Religion" on the primitive level means the psychic regulatory system that is coordinated with the dynamism of instinct. On a higher level this primary interdependence is sometimes lost, and then religion can easily become an antidote to instinct, whereupon the originally compensatory relationship degenerates into conflict, religion petrifies into formalism, and instinct is vitiated. A split of this kind is not due to a mere accident, nor is it a meaningless catastrophe. It lies rather in the nature of the evolutionary process itself, in the increasing extension and differentiation of consciousness. For just as there can be no energy without the tension of opposites, so there can be no consciousness without the perception of differences. But any stronger emphasis of differences leads to polarity and finally to a conflict which maintains the necessary tension of opposites. This tension is needed on the one hand for increased energy production and on the other for the further differentiation of differences, both of which are indispensable requisites for the development of consciousness. But although this conflict is unquestionably useful it also has very evident disadvantages, which sometimes prove injurious. Then a counter-movement sets in, in the attempt to reconcile the conflicting parties.²⁶

We need to recognize that androgyny is such a counter-movement, appearing in these troubled times to bridge the polarities of sex and gender. We need to reread Jung in the light of the current social scene and to discriminate in our own minds between that which bears the traces of rigid, late nineteenth-century sex and gender roles and those newer manners and mores which are applicable to a changing world, a world in flux, going through cycles of differentiation and reconciliation over and over again. We need to recognize that androgyny is neither a novelty nor an anomaly, but a modality of being particularly suited to the developing consciousness of the Aquarian age. We will do well to remember the words of Teilhard de Chardin: "If it be properly ordered, union does not confound but differentiates."²⁷ Only then will we be able to demonstrate what the new androgyny means and how it is experienced by members of each sex.

A man who is living his androgynous potential will be able to express his feelings of tenderness and his capacity for gentleness. He will be a friend to his anima, and therefore able to externalize his Eros side by relating to and respecting a woman's Logos. He will not play the seduction game — nor allow it to be played on him — but will value sexuality in its fullest meaning, as a meeting of equals. He will function equally well in a nurturing way as 'mother' and in a protecting way as 'father,' depending on what is needed at the moment. To

the degree that a man expresses the yielding 'feminine' component of his nature, any power-drive he may have will be mitigated and any need to pose as an authority will diminish. He will be able to serve as a vessel to keep safe what is entrusted to him. He will help women who feel oppressed to regain a sense of their own value. He will not be afraid to be passive at times, making space for a woman who wants to be active. He will recognize that the authority of feeling is no less valid than the authority of reason.

The woman who wants to exercise her androgyny will have to exercise her potency in the world while she resists the temptation to exploit her own sexuality for advantage. Rather than trying to imitate men, she needs first of all, I believe, to become aware of herself as woman on a deep psychic level — but as a complete, whole person — not as a mutilated person in the Freudian sense. She not only has to make her way in a world that seems strange and alien, a world known for so long as man's world, but she has to raise the consciousness of men in the process if she is to have any hope of being accepted for what she is. It may not seem fair that woman has to pave the way before she can walk the path, but if she is weary of the time-worn trails she has no other choice. It is no accident that the Women's Movement has been the catalyst of a new consciousness. Like all revolutionary movements, this one is bound to have its excesses, and

that is why it is so important for contemporary woman to gain the balance that comes from knowing the background of her willingness through the centuries to accept a limited, defined position on terms dictated primarily by the dominant male sex. Such knowledge immunizes her from the tendency to try to prove to men, in the words of the song, "Anything you can do, I can do better." Making free choices, competing successfully in the world, and establishing relationships on the basis of independence and equality, all this alone does not make a woman androgynous. She needs also to retain her receptivity and warmth. For being a *woman* is her natural and specific way of expressing herself as a total human being.

Jung's writings over the years contain many of the preforms for the new image of androgyny. Sometimes he has buried them in the conventions of an earlier day; at other times they come through with astounding relevance to the contemporary consciousness. Always, in his view of the psyche, Jung saw androgyny as inner process. It was not to be profaned through acting out, but was to be realized from within. Writing half a century ago, he recognized the growing alienation of the polarized individual in the fading Piscean era. Jung also foresaw what may well be a major challenge in the development of a consciousness for the Aquarian age: "It is the function of Eros to unite what Logos has sundered."²⁸

Footnotes

- 1 Carolyn G. Heilbrun, *Towards Androgyny: Aspects of Male and Female in Literature* (London: Victor Gollancz, 1973).
- 2 C.G. Jung, *Two Essays on Analytical Psychology*, CW 7 (Princeton: Princeton University Press, 1966,) par. 330.
- 3 *Ibid.*, par 331
- 4 *Ibid.*, par. 331
- 5 *Ibid.*, par. 336.
- 6 Elizabeth Hall, "A Conversation with Nobel Prize Winner Niko Tinbergen," *Psychology Today*, VII (March, 1974).
- 7 Jung, "The Stages of Life," *Structure and Dynamics of the Psyche*, CW 8.
- 8 Paul B. Baltes and K. Warner Schale, "Aging and I.Q.: The Myth of the Twilight Years," *Psychology Today*, VII (March, 1974).
- 9 Jan Morris, *Conundrum* (New York: Harcourt, Brace, Jovanovich, 1974).
- 10 Mario Praz, *The Romantic Agony* (New York: Oxford University Press, 1970), p. 301ff.
- 11 Mircea Eliade, *Mephistopheles and the Androgyne* (New York: Sheed and Ward, 1956), p. 100.
- 12 W.Y. Evans-Wentz, ed., *The Tibetan Book of the Dead* (London: Oxford University Press, 1960), pp. 177-8.
- 13 James Hilman, *The Myth of Analysis* (Evanston: Northwestern University Press, 1972), pp. 217-18.
- 14 S.L. MacGregor Mathers, *The Kabbalah Unveiled* (London: Routledge and Kegan Paul, 1957), p. 21. This whole question is fully elucidated in *The Zohar, Vol. I*, trans. H. Sperling and M. Simon (London: The Soncino Press, 1933), p. 90ff.
- 15 *Enumah Elish*, cited in Elizabeth Gould David, *The First Sex* (New York: G.P. Putnam's Sons, 1971), pp. 141-42.
- 16 Eliade, pp. 104-5
- 17 *Ibid.*, pp. 102-3
- 18 *Ibid.*
- 19 Goethe, *Faust*, trans. Philip Wayne (New York: Penguin, 1949), cited in Eliade, p. 78.
- 20 Eliade, p. 79.
- 21 *Faust*, v. 6209.
- 22 Eliade, p. 79.
- 23 *Ibid.*, p. 80
- 24 Cited in Eliade, p. 101
- 25 Cited in Eliade, p. 102
- 26 Jung, *Mysterium Coniunctionis*, CW 14, par. 603.
- 27 Pierre Teilhard de Chardin, *The Future of Man* (New York: Harper & Row, 1964), p. 302n.
- 28 Jung, *Civilization in Transition*, CW 10, par. 275.

Race and Sex Discrimination Legislation in North America and Britain: Some Lessons for Canada

By Harish C. Jain

Though Canada is well advanced in its human rights legislative provisions and their implementation, there are concepts and practices which we can learn from the two great influences on our national life, the United States and Great Britain.



There continues to be widespread sex and race discrimination in the workplace in North America and Great Britain. In Canada studies of various kinds have directed our attention to the incidence of employment discrimination against minority groups. There was the study by the Royal Commission on the Status of Women (34)¹, by Profes-

sor Wilson Head for the Ontario Human Rights Commission (12), and by the Canadian Civil Liberties Association (10). Similarly, the Political & Economic Planning (PEP) studies in Great Britain (6,26) and numerous studies and Congressional hearings in the United States have confirmed the prevalence of discrimination towards minority groups. In this paper we will concentrate on race and sex discrimination in Canada, the United States and Britain because there is more evidence on the working of anti-discrimination legislation in North America

than in other countries and developments in Britain appear to mirror those in the United States and Canada (38).

In their first annual report (April, 1967) the Race Relations Board in Britain summarized the role of legislation thus:

1. A law is an unequivocal declaration of public policy.
2. A law gives support to those who do not wish to discriminate, but who feel compelled to do so by social pressure.
3. A law gives protection and redress to minority groups.
4. A law thus provides for the peaceful and orderly adjustment of grievances and the release of tensions.
5. A law reduces prejudices by discouraging the behaviour in which prejudice finds expression.

The first two and the last of the objectives are mainly concerned with the effect of legislation upon people in a position to discriminate. In this sense, legislation and education are complementary; law can make a significant contribution to the reduction of irrational prejudices. The third and the fourth objectives are con-

Dr. Harish C. Jain is Associate Professor in the Faculty of Business of McMaster University. He is a consultant for the Organization for Economic Cooperation and Development (Paris, France) for 1976-1977. In 1975 he was a member of The Equal Value Committee of the Ontario Ministry of Labour. He was previously a Research Consultant with the Canada Department of Labour, Director of Research for the Nova Scotia Department of Labour, and Research Assistant with the Federal Reserve Bank of Minneapolis. He has taught at Edgewood College, Mount Saint Vincent University and St. Bonaventure University. He has authored many articles on the subjects of manpower resources, manpower policy and planning, pay and employment discrimination, and industrial relations. He holds the Ph.D. degree from the University of Wisconsin in industrial relations.

Dr. Jain's previous contributions to *Human Relations* were an article in the 1972 issue, "Employment Tests and Discrimination in The Hiring of Minority Groups", and in the 1975 issue, "Affirmative Action in Practice: A Prototype for Canadian Action?"

¹ Numbers in parentheses refer to an item in the list of references at the end of this article.

cerned with redressing the grievances of minority groups.

While these objectives are useful as benchmarks, it is important to realize that such legislation has limitations and even in the absence of these limitations law alone cannot eliminate discrimination. As Lester and Bindman (23) have suggested, legislation is aimed at the majority of the community who are ordinarily law-abiding; it does not restrain the determined law-breaker. Secondly, law will be relevant only if the economic and social environment enables people to develop their abilities and compete for opportunities on more or less equal terms; in the absence of equal access to education and training, this might not be possible. Finally, it is not enough to enact such legislation. It must be effectively implemented.

In this paper, we will attempt to describe the relevant anti-discrimination legislation relating to employment in the three countries, compare the similarities and dissimilarities of these statutes, evaluate — where possible — their effectiveness, and draw their implications for Canada.

Equal Employment Opportunity Legislation

In the United States, the equal employment opportunity legislation has at least five components: (a) Title VII of the Civil Rights Act of 1964, as amended in 1972; (b) Presidential Executive Orders 11246, 11375, 11141, and 11758; (c) the Equal Pay Act of 1963 and its extended coverage of executive, professional and administrative employees in 1972; (d) the Age Discrimination in Employment Act of 1967; and (e) the Rehabilitation Act amendments (sections 500 and 503) of 1974.

In Canada, the federal and provincial human rights legislation prohibits discrimination in employment. In addition, each jurisdiction in Canada has enacted laws (either as part of its human rights statutes or separately) which require equal pay for equal work without discrimination on the basis of sex.

In Britain equal pay and equal opportunities legislation, with regard to women, became fully operational at the beginning of 1976. The first of these two pieces of legislation makes it unlawful to discriminate in terms of wages and conditions of employment, while the second makes it unlawful for an employer to discriminate on account of sex or marriage in relation both to potential benefits (e.g. opportunities for recruitment, training and promotion) and in relation to actions which may be detrimental to employees (e.g. short-time working or dismissals). Race relations legislation was first applied to employment in 1968 and has recently been considerably extended in coverage to bring it into line with the sex discrimination legislation under the Race Relations Act of 1976.

Prohibited Grounds and Coverage under the Laws*

In the U.S., race, colour, sex, religion, national origin and age are the main prohibited grounds for discrimination in employment. Title VII of the Civil Rights Act applies to employers, unions, employment agencies

(public and private), and joint labour-management committees controlling apprenticeship or other training programs. Discriminating on the prohibited grounds, with regard to any employment condition, including hiring, firing, promotion, transfer, compensation, and in admission to training or apprenticeship programs, is prohibited. This is the most significant law affecting both the private and public sector employers and institutions of higher learning with 15 or more employees. The Presidential Executive Orders apply to federal government contractors and subcontractors, including construction contractors. In addition to the prohibited bases of discrimination enumerated above, age (no specified ages) as well as physical and mental handicap are also included under the Executive Orders. Under the Age Discrimination Act employers and unions with 20 or more workers, employment agencies and all levels of governmental agencies are prohibited from discriminating on the basis of age (40-65).

In Canada, the prohibited grounds for discrimination in employment include race, religion, colour, nationality, ancestry, place of origin, age, sex and marital status. Three provinces (New Brunswick, Nova Scotia and Prince Edward Island) and the Federal human rights bill C-25 have also included physical handicap as a basis for discrimination in employment. Generally, the relevant statutes apply to employers, employment agencies and trade unions and, in some jurisdictions, to self-governing professions. Discrimination is prohibited with respect to advertising, terms and conditions of employment, including promotion, transfer, and training.

In Great Britain, the prohibited grounds are race, sex, marriage, colour, nationality, ethnic origin and national origin. The statutes, the Sex Discrimination Act and the Race Relations Act, prohibit discrimination against contract (short-term) workers, among others, and apply to trade unions, employer organizations, bodies granting professional licences, vocational training bodies, employment agencies and the Manpower Services Commission and its two agencies: the Training Services Agency and the Employment Services Agency. Discrimination is prohibited with respect to recruitment and in access to training and promotion.

Interpretation of Anti-Discrimination Laws

(a) Definition

To understand the practical implications of the anti-discrimination legislation, it is necessary to understand how "discrimination" is defined in law. In the U.S., the concept has undergone three definitions (3) since the first days of federal involvement in the area during World War II. Initially, discrimination was defined as "prejudicial treatment": harmful acts motivated by personal antipathy toward the group of which the target person was a member. Since, however, it is difficult to prove intent to harm, discrimination came to be defined in the courts as "unequal treatment." Under this second definition, the law was said to mean that the same standards (job requirements and conditions) be applied to all employees and applicants. In other words, the employer was allowed to impose any requirements, so long as they were

*See table next page

**Prohibited Grounds of Discrimination in Employment
in U.S.A., Canada and Britain**

U.S.A.	CANADA ¹	BRITAIN ⁴
Race	Race	Race
Religion	Religion	Colour
Colour	Colour	National Origin
National Origin	Nationality	Nationality
⁵ Age	Ancestry	Ethnic Origin
Sex	Place of Origin	Sex
⁶ Mental and Physical Handicaps	Age	Marriage
	Sex	
	Marital Status	
	² Political Opinion or Belief	
	³ Physical Handicap	

1 In Canada, British Columbia enumerates grounds but these are not meant to be limiting.

2 In the case of human rights codes of Manitoba, British Columbia, Newfoundland and Quebec.

3 Applicable in Nova Scotia, New Brunswick and Prince Edward Island and in Bill C-25 before the federal Parliament.

4 Sex and marriage as grounds of discrimination are proscribed under the Sex Discrimination Act.

5 Under the Age Discrimination in Employment Act of 1964 (46-65 years), and Executive Orders.

6 Under the Rehabilitation Act amendments of 1974, as well as under Presidential Executive Order 11758.

imposed on all groups alike. Yet many of the most common requirements, such as education and testing, had unequal effects on various groups, even though they were imposed on all groups alike. Thus "minorities remained at the bottom of seniority lists and at the top of unemployment statistics."

In recognition of such concerns, the U.S. Supreme Court articulated the third definition of employment discrimination in *Griggs v. Duke Power Co.* in 1971. There the concept of indirect discrimination was articulated. The Court struck down employment tests and educational requirements that screened out a greater percentage of blacks than whites. Those practices were prohibited because they had the *consequence* of excluding blacks disproportionately, and because they bore no relationship to the jobs in question (18). Thus, the motivations of the employer who discriminated do not matter. What is important is the *effect* of what has been done; the effect of an act, of a *policy*, rather than reasons underlying it. The fact that a person "did not mean to discriminate" is not an excuse under the law. Good intent does not undo or excuse a discriminatory action.

It is, therefore, clear that the concept of indirect discrimination was first introduced in the United States. Both the Sex Discrimination Act (1975) and the new Race Relations Act (1976) in Britain seem to have borrowed and adopted this definition. In Canada, no clear indication concerning indirect discrimination is available from the decisions of the boards of inquiry or commissions.* However, it is clear that fear of possible

economic loss (by an employer) cannot justify discriminatory conduct.

(b) Equal Opportunity, Affirmative Action, Positive Discrimination and Reverse Discrimination

In addition to definitional problems, there has been some confusion as to the meaning of concepts such as equal opportunity, affirmative action, positive discrimination and reverse discrimination. These concepts will be described in the context of the anti-discrimination laws in the three countries.

The British legislation, both the Sex Discrimination Act and the Race Relations Act, as well as the Canadian human rights legislation in several jurisdictions (15) permit positive discrimination in favour of women and non-white groups; in both cases, positive discrimination is allowed but not required of employers. For instance, the British Acts contain provisions allowing employers and training organizations to provide special training facilities to members of such groups and to encourage them to take advantage of opportunities for doing particular work.

While the relevant Canadian statutes permit human rights commissions of several jurisdictions to approve special programs designed to promote the welfare of minority groups, in actual practice the approved programs have resulted in the provision of counselling and training opportunities for women and the native peoples. For example, this has been the case within the public sector at the federal as well as the Ontario government level (7). Several large Canadian business organizations such as the Royal Bank of Canada, Canadian

*At the moment of going to press a board of inquiry decision under the Ontario Human Rights Code, *Singh and Security and Investigation Services Ltd.*, has enunciated the principle that lack of intent is not exculpatory and that the negative result of an employer's neutral policy on a particular group can constitute discrimination.—Ed.

National and Bell Canada (27,1,28) have also established special programs to provide and accelerate training and promotional opportunities for women.

In the United States, Executive Orders require affirmative action on the part of federal contractors and federally assisted construction contractors. This requirement to take affirmative action, involving contractors with 50 or more employees and a contract of \$50,000 or more, means the setting of goals and timetables for minority employment in job categories where minorities and women have been under-utilized. The numerical goals, according to the guidelines issued by the U.S. Department of Labour, should be significant, measurable, attainable, and specific for planned results; failure in developing and implementing an acceptable affirmative action program within a specified time could result in cancellation or termination of existing contracts. It is estimated that at least a third of the U.S. work force is employed in enterprises which are involved in some way with government contracts.

Thus, while in the British and the Canadian legislation there is a provision for positive discrimination with the intent to increase the supply of qualified non-white and women workers to compete effectively and thus to redress past discrimination, the U.S. Executive Orders require employers to submit numerical goals to eliminate past discrimination by actively recruiting and staffing, via internal transfers, training, promotion, etc., of minority and women workers.

It has been suggested that affirmative action in the United States either leads to, (36) or has the potential for, reverse discrimination as opposed to equal opportunity, according to the National Association of Manufacturers (21). On the other hand, advocates of affirmative action have suggested that the aim of numerical goals is not punitive and employers are not required to fire anyone. Moreover, goals do not constitute preference when undertaken to remedy past discrimination. They do not require employers to give preference to minorities and women; rather they require employers to end the giving of preference to majority (white) males.

Whatever the actual practice, its legality is debatable since contradictory decisions on reverse discrimination have been issued by lower courts. However, a recent Supreme Court decision, (*McDonald v. Santa Fe, 1976*), has held that Title VII gives whites the same relief as it gives blacks. One practical implication of the decision is that reverse discrimination in the service of affirmative action can be illegal. In 1971, in the *Griggs v. Duke Power Co.* case, the U.S. Supreme Court noted, "Congress has not commanded that the less qualified be preferred over the better qualified simply because of minority origins. Far from disparaging job qualifications as such, Congress has made such qualifications the controlling factor..."

In our view it is preferable to allow voluntary programs of positive discrimination (as long as no discrimination has already been found to have taken place) in order to remedy past discrimination against minorities and

women, rather than to require affirmative action programs which may have the consequence of reverse discrimination. The former approach, pioneered in Canada and duplicated in Britain, seem to be having positive effects on the utilization of minority groups and women.

Enforcement

In Britain, under the Sex Discrimination Act (1975) and the Race Relations Act (1976), aggrieved individuals must bring proceedings in industrial tribunals with the possibility of assistance from one of the relevant commissions: the Equal Opportunities Commission (EOC) in the case of complaints regarding sex and marital status, and the Commission for Racial Equality (CRE) in the case of charges based on race, colour, nationality, ethnic or national origin. There is also the possibility of action by a conciliation officer of the Advisory Conciliation and Arbitration Service. In addition to the stress put on conciliation,¹ a novel procedure allows the prospective complainant to require the respondent to answer a number of basic questions on prescribed forms which may be used both for the question and for the reply; any reply or lack of it is admissible in evidence before an industrial tribunal.

Freed from the obligation to process each complaint, which the Race Relations Board was obliged to do under the 1968 Act, EOC and CRE are now given strategic functions which empower them to investigate a company's or an industry's employment practices, to issue non-discrimination notices enforceable through the civil courts, to follow up in case of persistent discrimination, and to demand the production of relevant information. These strategic functions are the most important part of the two Commissions' roles as direct enforcement agencies under the two Acts. With respect to strategic investigation the British legislation is based on the U.S. experience.

In the United States, there are several precedents where strategic investigations and findings of discriminatory practices led to settlements on a corporate-wide basis. The Equal Employment Opportunity Commission (EEOC) has, for example, secured massive conciliation agreements with the larger, more visible firms such as AT & T, and industry agreements such as that with the steel industry, (18,19). In the case of Title VII of the Civil Rights Act in the U.S., an aggrieved individual has the option of taking individual action through the courts without the assistance of the EEOC, or file a complaint with the state equivalent of the EEOC or with the EEOC itself. In addition, the various federal agencies (under Executive Orders) including the EEOC can initiate strategic investigations of employers.

In Canada, although human rights commissions in some provinces may file a complaint or commence an investigation on their own initiative, court cases or massive

¹ The procedure is that a copy of any complaint filed with an industrial tribunal must be sent to the Advisory Conciliation and Arbitration Service. An officer of that service can seek to promote a settlement prior to the complaint being processed by an industrial tribunal. Moreover, conciliation can also be attempted on behalf of a prospective complainant, that is, before a formal complaint is filed.

conciliation agreements, typical of the United States, are rare.²

In one respect, the British and the Canadian enforcement procedures are similar. In both the countries most complaints are settled at the conciliation stage. For example, in Ontario, since the inception of the Human Rights Code and the Commission in 1962, only 99 boards of inquiry were appointed out of 9,775 formal cases, as of March 31, 1977.³ The British Race Relations Board's experience (under the 1968 Act) has been similar. For instance, the number of occasions on which the Board has started county proceedings has been few in proportion to the number of complaints. To take one year by way of example, in 1973 885 complaints were received, 130 opinions of discrimination were formed, and settlements or assurance were secured in 102 cases.⁴ In only seven of the remaining cases (involving four respondents) were county court proceedings brought (2).

While there are the above-mentioned similarities in the matter of dealing with complaints by the two commissions, there are vast differences in their respective powers of enforcement. In Ontario, a human rights officer can enter the premises of anyone associated with the complaint without a warrant, except when the place is actually being used as a dwelling. He can order employment applications, payrolls, records, documents, writings and papers relevant to the inquiry to be produced for investigation, and he may remove these for the purpose of making copies or extracts. He can also make inquiries relevant to the complaint from any person separate or apart from another person. According to Hill, "Essentially the Ontario process requires a judicious blending of the 'velvet glove,' and 'iron fist' approaches." In actual practice, this means that the officer investigating a complaint "concentrates rather less on the issue of legal guilt than on the issue of effectuating a satisfactory settlement," Hill continues (14). Thus, the human rights officer combines both the function of investigation and conciliation, with an emphasis on settlement. This is probably the reason why in Canada, where the Ontario legislation has been the prototype of statutes in most other jurisdictions, the strategic functions or massive conciliation agreements, class action suits and pattern or practice suits, which are typical of the U.S., have not been in evidence. However recent class action suits in the employment discrimination area in Ontario might change that situation.

In Britain, on the other hand, it is widely recognized that the Race Relations Board (under the 1968 Act) has been unable to exercise its conciliation machinery in order to obtain information on its own initiative. Its en-

forcement powers were circumscribed in a number of important respects, most notably in relation to securing the cooperation of those who were under investigation and obtaining production of documents, as well as in relation to the circumstances in which the courts could be asked to intervene, and the relief which might be obtained (Govt. White Paper, 1975, paras. 28-47). This is the reason why the Board in its entire existence considered 7,000 complaints but rejected most of them in the end.⁵ Britain learned from the U.S. experience and incorporated the strategic functions in the recent statutes, which give extensive enforcement functions to the two commissions.

In the United States, prior to its receipt of enforcement powers in 1972, the Equal Employment Opportunity Commission (EEOC) had to settle charges of employment discrimination by conciliation and persuasion.

⁵ For instance, The Relations Board was unable to compel the attendance of witnesses, or the production of documents or other information for the purposes of an investigation. In the absence of such a power, the Board had to rely upon information provided by an individual complainant or other witnesses and the voluntary cooperation of those against whom complaints had been made. Except for bringing legal proceedings if conciliation failed, the Board had no power to require unlawful discrimination to be brought to an end, and the discriminator had no obligation to satisfy the Board that he had altered his conduct so as to comply with the law.



² One of the exceptions is the Human Rights Commission of British Columbia: in 1973, the Commission, upon receipt of 342 complaints from female hospital workers, was able to get a settlement from the Minister of Health and the Hospital Employees Union which covered 8,000 employees throughout the province. The agreement provided that, over the lifetime of the collective agreement, all forms of discrimination against female employees in pay, training, and promotional opportunities, will be abolished. In addition, equal pay was given not only to those who could prove that they were doing substantially the same work as men but also to those earning less than the male base rate. (4)

³ In the fiscal years 1970-71 through 1975-76, there were 1,4,6,2,1 and 7 boards of inquiry respectively, as recorded in the annual reports.

⁴ The annual figure of complaints has fluctuated in the region of 1,000 in each year since 1968 (through 1973). In the fiscal year 1970-71, opinions of unlawful discrimination were formed in only 9.1% of employment cases while in the previous year, the figure was 6.4%. (23). There have been approx. 7,000 complaints in the whole life of the Board (1968-1976).

During its first five years, the EEOC received more than 52,000 charges of which 34,145 were recommended for investigation; of these, the Commission found that a discriminatory practice existed in 63 percent. In less than half of these cases, however, was the Commission able to achieve a totally or even partially successful conciliation. In other words, the respondent refused to change his or her employment or referral policies to resolve alleged unlawful practices (19).

(c) Guidelines, Court Decisions, Inquiry Commissions or Board Decisions, and Industrial Tribunal Decisions.

In the United States there are two principal agencies that administer the equal employment and affirmative action programs. The former program, under Title VII of the Civil Rights Act of 1964 as amended in 1972, is enforced by the EEOC while the latter, under various presidential Executive Orders, is carried out by the Office of Federal Contract Compliance (OFCC) of the U.S. Department of Labour. These agencies have issued detailed guidelines to employers interpreting the legislation. The guidelines include discrimination related to sex, religion and national origin; selection procedures; pre-employment inquiries, overall affirmative action

Miller Services



programs, obligations of contractors (by the OFCC). The U.S. courts have interpreted the law in such a way that these guidelines, which favoured the increased utilization of minority groups and women, have been upheld. This has had a dramatic impact on hiring and promotion procedures and practices by employers as well as in the rationalization of the personnel and human resources function in organizations.

These guidelines interpreting the laws have affected all the primary personnel practices. In recruitment, active recruitment of minorities and females is required. Advertisements must be adapted to legal requirements. In selection for hiring, testing seems to be the key concern. Interviews and application forms, as well as paper and pencil skill tests, must be made valid and reliable. Job descriptions, job specifications and performance appraisals must also be analyzed for relevance. Of special concern are education and experience requirements set at too high a level. In the case of selection for transfer, training, promotion, layoff, recall and termination, special efforts must be made to train and promote minorities and women. Of special interest to the EEOC and OFCC are upward mobility and seniority. Performance appraisals as predictors of performance at higher levels are being closely scrutinized. In pay and benefits, equal pay for equal work is carefully observed. Benefits must be equal. Similarly, discriminatory working conditions are not allowable.

In 1971, the United States Supreme Court upheld the EEOC guidelines regarding test validation. In *Griggs v. Duke Power Co.*, the court declared that no test used for hiring or promotion is valid under the statute if it operates to exclude protected groups and cannot be demonstrated to be related to job performance. In another case in Fifth Circuit Court, the *United States v. Georgia Power Co.* (1973), involving the test validation procedures and standards set out in the EEOC guidelines, the court held that the guidelines "should be followed absent a showing that some cogent reason exists for non-compliance," (EEOC, 8th Annual Report, 1973, pp. 20-21).

In Canada, all jurisdictions except Quebec forbid employers from asking either in an application form or in an interview for information, directly or indirectly, concerning prohibited grounds of discrimination. However, specific guidelines from the human rights commissions are generally lacking. Even where these guidelines are available, as in the case of Ontario, they have generally not been subjected to test in the Board of Inquiry hearings or settlements.

As examples of these guidelines we may cite Ontario, whose Human Rights Commission has issued a guide for employers and employees regarding employment application forms and interviews under the Ontario Human Rights Code. The Commission draws a distinction between pre-employment and post-employment inquiries. In some cases, a question which could be construed as a violation of the Code, if asked of an applicant before he has been hired, may be appropriately asked after hiring, so long as the information is necessary for personnel

record keeping, etc. and is not used for discrimination in employment on the prohibited grounds.

According to the guide, the following inquiries, among others, are not approved before an applicant is hired: *race or colour*: race, colour, complexion, colour of eyes, and colour of hair; *creed*: religious denomination or customs, recommendation or reference from clergyman; *nationality, ancestry, place of origin*: birth-place, birth or baptismal certificate, place of birth of parents, grandparents or spouse, national origin. In addition, employers are prohibited from asking information about (a) clubs and organizations which would indicate race, creed, colour, nationality, ancestry or place of origin; (b) name and address of closest relative; (c) willingness to work on any particular religious holiday; (d) military service, except Canadian military service.

A request for information about race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin can be made, however, if one or more is a *bona fide* occupational qualification and requirement for the position or employment.

In Britain, the Race Relations Board, under the Race Relations Act of 1968, has issued guidelines but they were more similar to the guidelines described above for Ontario, in that it was realized that they may have no legal effect and may not be binding on the courts. These guidelines were issued to advise employers about the racial balance provisions under the 1968 Act. This much criticized provision, allowing employers to discriminate in favour of members of a racial, ethnic or national group in order to preserve a reasonable balance of workers of different racial, ethnic or national groups, has been repealed under the new Race Relations Act of 1976.

Recent Decisions of Boards of Inquiry in Canada by Prohibited Grounds of Employment Discrimination

Age Two cases which went to boards of inquiry in Ontario involved officers of municipal fire fighting departments who had reached the age of 60 and had been compulsorily retired by the City of Mississauga (11) and the City of North Bay (5). Despite their similarity, they produced contrary decisions. In the former case, the board chairman found contravention of the Code and ordered the city to reinstate Captain Hadley, subject to his still possessing the requisite physical and mental ability to perform his duties. In the latter case, the board chairman ruled that no contravention of the Code had occurred since age was a *bona fide* occupational qualification. The Commission has appealed this decision to the Supreme Court of Ontario (16).

Place of Origin This case involved a complaint by a Dr. Rajput, a sociology professor, of discrimination on the basis of place of origin against Algoma College in Sault Ste Marie. Dr. Rajput is a Pakistani citizen and a landed immigrant in Canada. The board chairman found that discrimination had taken place within the terms of the code. His order by way of remedy involved several contingent items, the total amount of which could rise to \$27,000 (16,31).

Sex Discrimination One board of inquiry in Ottawa involved two complaints of sex discrimination by two men against BP Canada Ltd. The case was settled by the parties as soon as the hearing began. The Company stated that the two men were not considered for cashier's jobs because of an administrative mistake and not because of a policy of discrimination. The Company agreed to (a) compensate them for earnings lost for a total of \$1,424, based on the period they remained unemployed following their respective job applications; (b) interview them and, if either or both were found to be qualified, to offer them the first available positions; (c) pay court costs of \$185. (16).

In another case, *Betty-Anne Shack v. London Drive-It Self Ltd.* (37), Miss Shack alleged that the company denied her employment as a rental clerk for trucks because of her sex. The board found that the complainant was demonstrably able to strip down a stake truck and therefore sex was not a *bona fide* occupational qualification. Regarding the concern about a female working alone in the evenings, the board dismissed this as merely one of the "stereotyped characterizations of the sexes." The board ordered the Company to pay a sum of \$100. in general damages to the complainant.

Sex and Marital Status In the case of *Kerry Segrave v. Zellers Ltd.*, (35), the complainant alleged that he was refused employment and training because of his sex and marital status by Zellers Ltd. The applicant arranged for an interview with Zellers in response to an advertisement in the *Hamilton Spectator* for personnel manager trainees and credit manager trainees. He was interviewed by a female management trainee who told him that only women held the position of personnel manager and that the salary would not be attractive to a male; her district manager had told her that "...we could get an executive at half price by getting rid of men." She also told him that they did not hire men because women would not go to them with their problems. The applicant then expressed interest in the credit manager trainee position. He was given a preliminary interview for the position, but was not processed further because of his "undesirable" marital status. He had been divorced three months before and Zellers took this as a "sign of instability in his background which could cross over into his business life as well."

The board of inquiry ordered that Zellers direct its personnel managers that in all hiring practices men and women are to be treated equally, and that all references to marital status in the selection steps be deleted. Zellers was ordered to be prepared to submit any current directives guiding the hiring of personnel to the Ontario Human Rights Commission. They were also ordered to engage an approved personnel agency to administer the employment tests to Mr. Segrave. If he passed the tests, he would have to be offered a job and the Company would have to pay him \$1250. for the 12.5 weeks during which he was unemployed after applying for these jobs. Regardless of the outcome of the tests, Zellers was ordered to pay Mr. Segrave a general damage award of \$75.

Sex and Conditions of Employment In the case of *Jean*

Tharp v. Lornex Mining Corporation Ltd. the complainant alleged that the company failed to provide her with separate accommodation, toilet and washroom facilities at the site of its mining operations in the Highland Valley near Ashcroft, British Columbia. The complainant inquired about the availability of accommodation at the campsite when she began her employment with Lornex in January, 1974. She was awarded damages in the amount of \$50. as compensation for injury to her feelings of self-respect (22).

Thus, considerations such as (a) lack of female accommodation, toilet and washroom facilities; (b) male-dominated work site, (c) marital status (divorce), (d) work being too physically demanding for a female; and (e) working alone in the evenings, for women, are no longer relevant for claiming exemption under Canadian human rights legislation.

Proposed New Prohibited Grounds in Ontario In Ontario, the preliminaries to a revision of the Human Rights Code are underway in order to deal with important issues that remain unresolved. The Ontario Human Rights Commission invited briefs and conducted a number of public hearings throughout the Province in the summer of 1976 to uncover these concerns. The main issues, based on the briefs and the hearings, appear to be: (a) additional prohibitions to the existing grounds for discrimination such as sexual orientation (i.e. homosexuality), disability (including physically handicapped, blind, and ex-psychiatric patients), language, former prison inmates and people with a criminal record; (b) independent status for the Commission — separate from the Ministry of Labour — similar to the Ontario Ombudsman's office; and (c) additional funding and resources to the Commission in order to implement the Code more effectively.

Not only in Ontario but in Canada as whole, the human rights commissions are likely to face the problems of interpreting and reinterpreting (where they have already faced these issues) prohibited grounds such as nationality, creed and sexual orientation: the problems of Canadian citizenship in university hiring, the requirement of Canadian experience in a variety of jobs, non-mainstream religious holidays versus work schedules, participating in therapeutic abortions against one's religious beliefs, the homosexual's right to employment, etc.

Industrial Tribunal Decisions in Britain

Sex Discrimination Cases Under the relatively new Sex Discrimination Act in Britain, interestingly the first sex discrimination case, *McDonald v. Applied Art Glass*, involved a man. On phoning about an advertised vacancy the complainant was first told that the job was for a woman, but he lost the case because he did not comply with the company's request to call and fill in an application form.

It has also been confirmed that there is no protection for single persons. In *Brown v. L. and O Products Ltd.* a van driver claimed that the reason why he was paid £40 for a five-and-a-half day week, while his predecessor

received the same amount for five days was the fact that the latter was married. The tribunal noted, however, that it was lawful to discriminate against single persons. Similarly, small size may disallow a claim as in *Appleby v. G.M. Vickers and Associates*, where, despite the title, the employer was an individual architect. Hence, although it was alleged that he refused to offer a job to a woman on account of her sex, the case could not be heard, the number of employees not exceeding five.

Sex Discrimination Act requirements have led to some important changes in preferential staff home loan arrangements, which have been extended to women employees in both banks and insurance companies. In the English clearing banks and the Bank of Scotland, for instance, fixed and formal age and service qualifications have been introduced and interest rates increased from 2½% to 5%. The treatment of single employees is inferior (e.g. minimum age of 28 rather than 24 in Barclays Bank). Only the Royal Bank of Scotland has introduced common eligibility criteria for married and single staff (and also maintained the previous interest rate). In relation to pensions it should be noted that despite differences in retirement ages for men and women, differences in benefits and contributions, caused solely by differences in mortality assumptions for men and women, are to be proscribed by statutory provisions.

One of the most obvious effects of the legislation is the impact on job advertisements. While the EOC has not yet completed its Code of Practice for the advertising industry it has suggested that where jobs have hitherto been held predominantly by one sex, such as secretary or engineer, these should be accompanied by some phrase such as "candidates, men and women". Illustrations too must be designed to give no indication even indirectly that the job is limited to one sex only. Only the EOC can bring cases relating to discriminatory advertising.

In *Thorn v. Meggitt Engineering Ltd.* a foreman told an applicant who was aged 53 that radical drilling was too much for her at her age, though he would have considered her if she had been 16 years old. The tribunal found that the strength requirement was justified regardless of sex. In *Laidley v. Headway Shop Fitting*, the tribunal claimed that as a generalization women could not do stockroom work as well as men, and hence it was a justifiable requirement.

One case involving an application for a job is *Steere v. Morris Bros Ltd.* The applicant, having just obtained a driver's licence, offered her services as a bus driver and after being tested was led to believe that a job was available for her. But some days later a letter was sent which stated the company did not have the facilities to employ her and the fact that she lived some 20 miles from the depot was unsatisfactory. The latter point was accepted by the tribunal, it being noted that the company had employed a female driver before.

Several cases have occurred over the terms upon which workers are employed. In *Morris, Harris and Kidd v. Scott and Knowles* the issue was hours of work. An Agricultural Wages Order had treated employees working less than 32 hours a week as casual workers with

a lower rate of pay than full-time employees. Three women working a standard 40-hour week were informed by their employer that in view of the recent pay increase all part-time females would be put on a 30-hour week, a move apparently taken also in the light of pressure from male employees. This was found to be discriminatory. Similarly the complainant in *Baxter v. Glostal Architectural Anodising Ltd.* won because her employer put up a notice offering overtime to men, but not to women. Less fortunate was a Mrs. Gilbert, *Gilbert v. Johnson Shoes*. She refused to sign an amendment to the staff rules which banned female staff from wearing trousers, claiming that this breached the Sex Discrimination Act and was subsequently dismissed. The tribunal found against her because she had been dismissed for a breach of staff rules rather than as a consequence of less favourable treatment than a man.

Thus, according to the cases that have gone before the industrial tribunals so far, the following points emerge: (a) there is no protection for single persons i.e. it is lawful to discriminate against single persons; (b) sex discrimination in job advertisements is prohibited; (c) the criteria of physical stamina and (d) efficiency in work may lead to the favouring of men in employment; (e) commuting distance from a job can disqualify a female applicant from a job; (f) an employer cannot discriminate against women, compared to men, over terms and conditions of employment such as hours of work per week or overtime work; (g) an employee can be dismissed for a breach of staff rules.

In interpreting these cases it is important to realize that these decisions were reached by industrial tribunals and that further cases are required, which are tested in courts, before the effects of the Sex Discrimination Act can be accurately assessed.

Selected Race Relations Court Cases in Britain

As mentioned earlier, the Race Relations Board had weak enforcement powers. Prior to 1975, determinations by the Board to bring proceedings in the employment area had been rare. Even in 1975, cases against only 16 respondents concerned breaches of employment (31). A few of those employment cases that were tried in the county courts are described below.

In *RRB v. London Industrial Arts Ltd.* the respondent refused to accept a non-white girl to fill a vacancy for a clerk/typist on the ground that such employees were not sufficiently competent to do the work required. The Board obtained a declaration in a county court that the company had acted unlawfully and were awarded costs.

In *RRB v. Mr. Turvey, Craig Mitchell & Co.* the respondent telephoned the Company's employment exchange specifying that he would not employ "coloured or Irish." The county court declared that the respondent had acted in violation of the law and was ordered to pay the costs of the action.

In *RRB v. London Accountancy Bureau* an employee of the Bureau gave information to the Board that the Bureau kept records of employment vacancies which included a note of the employer's racial preferences and

records of applicants which indicated their race or national origin. The purpose of the records was to enable the Bureau to act upon racially discriminatory stipulations of employers. The Board was also told that the Bureau kept a separate file of about 60 firms of chartered accountants who would employ only English persons and that when non-white job seekers came to the Bureau no efforts were made to place them in suitable jobs. A county court gave the judgment for the Board with costs.

Consent Decrees and Court Cases in the United States

The EEOC has concentrated lately on securing massive conciliation agreements with the larger, more visible firms such as AT & T and industry agreements such as that with the steel industry. In addition, pattern or practice court suits involving job inequality throughout an entire employment system as well as class action suits affecting an entire class of employees are on the upswing. Thus, the emphasis, in terms of enforcement efforts, seems to be on system-wide (company-wide or industry-wide) job discrimination; this means concentration on large, visible employers. Smaller firms remain virtually untouched except for the complaint process; in an attempt to reduce its vast complaint backlog, the EEOC is attempting to have each complainant reconcile with his organization.

Steel Consent Decrees Nine of the largest steel companies and the United Steelworkers of America entered into two major out-of-court settlements with the EEOC, OFCC and the Dept. of Justice in April, 1974. The first decree covers employment practices regarding production and maintenance personnel; the second covers employment practices in management positions.

The decrees provide five mechanisms to remedy the effects of past discrimination:

1. continuous service in plant, rather than in a particular department, as a measure of seniority;
2. transfer rights, providing members of aggrieved classes with an opportunity to transfer to a different unit or department;
3. pay rate retention, permitting transferred employees to retain their former rate of pay (if it is more favourable) when they transfer, until the pay rate in the new unit equals the rate in the old unit;
4. hiring and promotion goals, and
5. a backpay fund of approximately \$31 million (9).

Similar consent decrees have also been signed by AT & T, among others, (18,19).

Class action Suits

"Class action" suits or charges can be filed on behalf of a large number of persons, in addition to the individual actually filing the charge. This ability to file a class action suit has been helpful in enlarging the scope of both investigation and remedies to cover all persons "similarly situated" who have suffered as a result of the same practices. Such actions are possible under all of the laws and regulations prohibiting discrimination. One notable

example was the class action suit filed on behalf of discriminatees by an employee of the Bowman Transportation Company. In this case, the essential fact that the company had discriminated against black workers in hiring, transfer, and discharge was not in dispute. To circumvent the Civil Rights Act, the company introduced a "buddy system" whereby no new driver would be hired without the sponsorship of a driver who would train him. Blacks were not sponsored, and blacks hired for other jobs were not transferred to over-the-road positions. A collective bargaining agreement with the union perpetuated the discriminatory practices. In this case, the Supreme Court of the United States declared that the remedy for the discrimination in hiring is the employment of the discriminatees with full seniority, back to the date of their application for work. This is but one example of a number of cases brought by an individual employee and decided in favour of the affected class of employees in a particular company or industry. The basis for retroactive seniority is that merely to order an employer to recruit a job applicant, who has been refused employment unlawfully, as a new employee, rather than requiring seniority retroactive to the date at which the applicant was first refused employment, falls short of a "make

whole" remedy. It has also been ruled, however, that Title VII of the Civil Rights Act should be construed to permit the assertion of plant-wide (as opposed to departmental) seniority only with respect to new job openings. Hence rectification will not take the form of immediate promotion or transfer to better jobs or departments for already employed women and minority group members.

Conclusions

Legal remedies are necessary but not sufficient tools to eliminate institutional discrimination in employment. This is because the evolution of law and legal principles is a slow process; the case-by-case approach adopted thus far in Canada and Britain and in seniority cases in the U.S. illustrates this point. Moreover, legal approaches are also limited because they operate only on the demand side of the problem (i.e. the employer's side) and do little to change supply. Lowering the racial and sexual barriers does not ensure a supply of qualified people to take advantage of new opportunities. Thus, employers and unions and other institutions can be compelled to stop discrimination against women and minority groups, but they cannot be compelled to recruit



actively and to train them. This is true despite the monumental legal efforts in the United States (24).

Certain conclusions arise from this study, so far as Canadian human rights legislation and practices are concerned.

1. In Ontario and in other jurisdictions in Canada, prohibited grounds of employment discrimination could be expanded to include disability, sexual orientation, conviction for which a pardon has been granted, among others.

2. Enforcement powers of the human rights commissions in Canada could be expanded to include strategic investigation or company-wide and industry-wide investigation to eradicate job discrimination inherent in the industrial relations system in the country. Case-by-case approach is slow and could be supplemented by system-wide investigation. Where a commission already is authorized to use the latter power, it should be actively pursued.

3. Where a pattern of company-wide or industry-wide job discrimination is found to exist, a commission could

have the power to seek special affirmative action programs of accelerated training and promotion for the groups that are discriminated against. In addition, a Commission could negotiate compensation for past discrimination to be awarded to the victims of discrimination.

4. Class-action suits could be encouraged by the human rights commissions in order both to enlarge the scope of the investigation and the remedies to cover all persons "similarly situated" who have suffered as a result of the same practices.

5. Language training and other types of assistance could be extended by human rights commissions, to immigrants and others whose mother tongue is not English and who may and do suffer exploitation in terms of wages and working conditions.

6. Canadian statutes could be amended to provide an opportunity to the aggrieved person to sue the respondent on his own behalf in addition to the complainant's right to seek assistance from the relevant human rights commission.

References

- 1 Bandeen, R.A., "Canadian National," *The Canadian Business Review*, Summer 1975.
- 2 Bindman, G., "Law and racial discrimination: the new procedures," *New Community*, Autumn 1975.
- 3 Blumrosen, A.W., "Strangers in Paradise, Griggs and Duke Power Co. and the Concept of Employment Discrimination," *Michigan Law Review*, Nov. 1972.
- 4 Cook, Gail C.A., editor, *Opportunity for Choice, a goal for women in Canada*, Ottawa, Information Canada, 1976.
- 5 *Cosgrove vs. Corporation of the City of North Bay*, Report of a Board of Inquiry, May 21, 1976.
- 6 Daniel, W.W., *Racial Discrimination in England*, Penguin, Harmondsworth, 1968.
- 7 Eastham, Kay, "Women on the Move: Affirmative action for Women Crown Employees in Ontario," *The Canadian Business Review*, Spring 1976.
- 8 *Equal Employment Opportunity Commission, 8th Annual Report*, Washington, D.C., Supt. of Documents, 1973.
- 9 *EEOC, 9th Annual Report*, Washington, D.C., Supt. of Documents, 1974.
- 10 "Study shows job, real estate agencies are willing to screen out non-whites," *The Globe and Mail*, January 11, 1977, p.4.
- 11 *Hadley v. City of Mississauga*, Report of a Board of Inquiry, May 21, 1976.
- 12 Head, Wilson A., *The Black Presence in the Canadian Mosaic: A study of perception and the practice of discrimination against blacks in Metropolitan Toronto*, Ontario Human Rights Commission, Sept. 1975.
- 13 Higgins, James M., "A Manager's Guide to the Equal Employment Opportunity Laws," *Personnel Journal*, August, 1976.
- 14 Hill, Daniel G., "The Role of a Human Rights Commission: The Ontario Experience," *University of Toronto Law Journal*, vol. 19, 1969.
- 15 *1976 Human Rights in Canada*, Ottawa, Labour Canada, 1976.
- 16 *Human Rights News*, Ontario Human Rights Commission, Nov. 1976.
- 17 Hunter, Ian A., "The Development of the Ontario Human Rights Code: A decade in retrospect," *University of Toronto Law Journal*, vol. 22, 1972.
- 18 Jain, H.C., and Ledvinka, J., "Economic Inequality and the Concept of Employment Discrimination," *Labor Law Journal*, September 1975.
- 19 Jain, H.C. and Pettman, B.O., "The Impact of Anti-Discrimination Legislation on the Utilization of Minority groups: The American Experience," *International Journal of Social Economics*, vol. 3, No. 2, 1976.
- 20 Jain, H.C., "Affirmative action in practice: A prototype for Canadian action," *Human Relations*, vol. 15, 1975.
- 21 *Labour Law Reports*, CCH, Feb. 1, 1977.
- 22 *Labour Research Bulletin*, B.C. Dept. of Labour, February 1976.
- 23 Lester, Anthony and Bindman, Geoffrey, *Race and Law*, London, Longman Group Ltd., 1972.
- 24 Levitan, Sar A., Mangum, Garth L. and Marshall, Ray, *Human Resources and Labor Markets*, 2nd edition, New York, Harper and Row, 1976.
- 25 *Manpower Report of the President*, April, 1974, Washington, D.C., U.S. Govt. Printing Office.
- 26 McIntosh, N. and Smith, D.J. *The Extent of Racial Discrimination*, (Broadsheet No. 547), London, PEP, 1974.
- 27 McLaughlin, W.E., "The Royal Bank of Canada," *The Canadian Business Review*, Summer 1975.
- 28 Pilkington, H., "Bell Canada," *The Canadian Business Review*, Summer 1975.
- 29 *Race Relations Act 1976*, Chapter 74, London, HMSO.
- 30 *Racial Discrimination*, London, HMSO, Cmnd. 6234, Sept. 1975.
- 31 *Rajput v. Watkins and Algoma University College*, Report of a Board of Inquiry, May 12, 1976.
- 32 *Report of the Race Relations Board*, January 1975-June 1976, London, HMSO, Nov. 29, 1976.
- 33 Richmond Anthony H., "Black and Asian immigrants in Britain and Canada: Some Comparisons," *New Community*, (Winter/Spring, 1975-76).
- 34 Royal Commission on the Status of Women in Canada, *The Status of Women in Canada*, Ottawa, Information Canada, 1970.
- 35 *Segrave v. Zellers Ltd*, Report of a Board of Inquiry, Sept. 22, 1975.
- 36 Seligman, Daniel, "How equal opportunity turned into employment quotas," *Fortune*, March 1973.
- 37 *Shack v. London Driv-Ur-Self Ltd.*, Report of a Board of Inquiry, June 7, 1964.
- 38 Street, H., Howe, G. and Bindman, G. *Street Report on Anti-Discrimination Legislation*, London, Political and Economic Planning, 1967.
- 39 *Trade Unions and Race Relations*, TUC Circular No. 152, (1976-77) on Industrial Language Training.

OHRC On The Move

Since the last review of the Commission's activities in the 1975 *Human Relations*, the **Commissioners** have received a number of accolades: no fewer than three Commissioners have been made judges. Judge Rosalie Abella is a member of the Provincial Court (Family Division) and Judge Valerie Kasurak is a Citizenship Court Judge in Windsor. Judge Jean-Marie Bordeleau is a member of the Provincial Court (Criminal Division) in Ottawa; upon his appointment he resigned his position as a Human Rights Commissioner. His place has been taken by a new cabinet appointee, Mr. Brian Denis Giroux, a bilingual resident of Kapuskasing. Mr. Giroux is the Director of Education for the Kapuskasing Board of Education, and a member of the Board of Governors of the Ontario Council for Leadership in Educational Administration.

The Commissioners met more frequently than ever before in order to deal effectively with their rapidly expanding caseload and the increasingly sensitive nature of their work. They also had an extensive involvement in the public review of the Ontario Human Rights Code, which included 17 public hearings throughout Ontario. They attended hearings, appeared on radio and television in the particular cities, were interviewed by the local press, participated in consultations with interested individuals and groups, researched much of the background material in the preliminary drafts of the report to the Government, and are at the moment of writing carefully examining and commenting upon the final draft and recommendations. The Report of the Code Review Committee is due to be presented to the Government in mid-1977.

The public Commission has introduced the practice of inviting Government leaders to pay a brief, informal visit at their regular meetings. Visitors have included Premier William Davis, Leader of the Opposition Stephen Lewis, Leader of the Liberal Party Dr. Stuart Smith, Attorney General Roy McMurtry and Minister of Education Thomas Wells. These meetings have proven valuable in enabling exchanges of views, strengthening of links, and concerting action on particular problems. Following the meeting with Mr. McMurtry, in which discussion focused on the increasing number of incidents of racial violence and the sensitivity of law enforcement agencies to human rights issues and concerns, the Commission established a Committee for Liaison with Law Enforcement Agencies, chaired by Commissioner Bromley Armstrong. The Attorney General appointed a senior official of his Ministry

to act as the Committee's liaison person. Following the meeting with Mr. Wells, a liaison committee was established between the Commission and the Ministry of Education.

The Chairman and some Commissioners met repeatedly with cabinet members and ministry representatives and effected continuing liaison between them and the Commission as well as making the Commission's work better known throughout the Government. Commissioners attended the annual meeting of the Canadian Association of Statutory Human Rights Agencies (CASHRA) and the Chairman continued his efforts, in the course of his travels in other capacities, to set the work of the Commission in the context of the world-wide human rights movement. He strengthened the links already forged with individuals engaged in human rights activities in other countries on other continents.

The **Commission staff** has undergone a reorganization which has included the addition of nine new professional and clerical positions. This represented a recognition by the Government of the pressing public demands being made upon the Commission. The staff head became an executive director; George A. Brown was promoted to the



Executive Director George A. Brown

position after the former director, Robert W. McPhee, resigned to join the Ministry of Culture and Recreation.

Mr. Brown (see photo) was formerly assistant director of the Commission. He has been with the Commission in various capacities since 1968, including administrator of the Age Discrimination Section and Supervisor of the Toronto Regional Office. He is the author of the 1968 study on "Community Tensions and Conflicts Among Youths of Different Ethnic and Racial Backgrounds in Downtown Toronto", which served as the basis for the establishment of the storefront office maintained by the Commission in that area of the city for five years. Mr. Brown holds Master's degrees in economics, public administration, and community organization and development from the University of British Columbia, Carleton University and the University of Toronto.

The hierarchy below Mr. Brown includes one Branch and one Section, among other elements. The Commission's oldest function, the investigation and conciliation of individual complaints, has been organized into the Conciliation and Compliance Branch. Director of that Branch is Naison Mawande, with Miss Laima Svegzda as Administrator, Field Services. Another new position is that of Manager, Program Review and Design, whose incumbent is Miss Jill Armstrong.

The **Conciliation and Compliance Branch** has continued to receive very large numbers of inquiries regarding situations which are not covered by the Code. In the 1976-1977 fiscal year these marked a 2% increase over the previous year, to 16,908. These receive carefully arranged referrals to appropriate agencies. Nevertheless a number of complaints which were only partially covered by the Code were taken; these are termed "B" and "C" cases (see chart). The total number of com-

plaints registered in the fiscal year was 1,022. The total of cases fully covered by the Code, termed "A" cases, which permit the full use of sanctions, decreased by 10% to 892.

According to the Director of the Conciliation and Compliance Branch, this statistical "fact" masks a quite different reality which constitutes the most signal evolution of the compliance function since the last report in these pages. The number of "A" complaints was actually greater than in the previous year; the variance arises from the Commission's greater use of section 13 of the Code, which allows for group complaints or "class actions" and these are counted, statistically, as one complaint. Thus two group complaints, one initiated by the Commission and the other filed by a union, actually involved 245 individuals. In another category of group complaints, 28 complaints were accepted which actually involved 88 individuals.

By the end of the fiscal year, that is, March 31, 1977, the total number of complaints handled since the Commission's inception in 1962 was 9,775.

In the last fiscal year, in terms of the three social areas covered, employment accounted for 81% of complaints, followed by approximately equal percentages for housing and access to public facilities and services.

When a complaint cannot be resolved either because of the intransigence of the parties or the subtle complexities of the issues, the Commission may recommend to the Minister that a public board of inquiry be appointed. In the last fiscal year five boards of inquiry were appointed. Of those where reports have already been issued, the most notable were two reports dealing with complaints of age discrimination by two fire fighters in Mississauga and North Bay respectively. The issue in both cases was whether collective agreements with a pensionable, man-

Totals for Commission Functions

Function	1975-1976	1976-1977	Percentage change
<i>Conciliation and enforcement</i> (cases registered in fiscal year)			
A cases: those falling directly within Human Rights Code, with full legal remedy available	988	892	-10%*
B and C cases: those falling within the spirit of Code with conciliation and use of good offices as only tools	B — 127 C — 70	64 66	-50% -6%
<i>*Note: As explained in the text, the actual number of individual complainants was greater, but is masked by the statistical blindness to group complaints, class actions, and smaller groups of complainants representing larger numbers of colleagues. The total number of individuals thus involved, but not reflected in the statistics, is 303.</i>			
<i>Inquiries and Referrals</i>	16,576	16,908	+ 2%
<i>Community, Race and Ethnic Relations Activities</i>	576	1,710	+ 197%
<i>Public Education Activities</i>	717	906	+ 27%

andatory retirement age of 60 conflict with the Code's protection against age discrimination until 65. One report found that discrimination had taken place: noting that "discrimination against the elderly does not generally evoke (much) emotion", the Board of Inquiry Chairman ruled that each case should be determined on an individual analysis and that parties may not contract out of the Code's provisions. The other report found that no discrimination had taken place; the Commission appealed the latter decision to the Supreme Court of Ontario as provided for in the Code. At the time of printing, the court had not rendered its decision.

A growing part of the conciliation and enforcement function is affirmative action. When there are broad, structural, discriminatory imbalances in employment situations, employers are encouraged and guided in initiating voluntary employment programs in accordance with section 6a of the Code.

The Commission encourages employers (1) to review their operations for structural discrimination and to do so in the light of the neutral merit principle, and (2) to correct any such discrimination by deliberately increasing the pool of people from whom job applicants may come and by providing upgrading training for members of local, historically disadvantaged minority groups and women who may then become job applicants. Here are two examples.

After it was made public that there were only two visible minority members among Toronto's fire fighters, the Commission's Executive Director offered his services to the Mayor of Toronto with the object of achieving a more accurate reflection of the city's ethnic composition among its fire fighters. In the course of a number of meetings it was learned that these positions were not advertised but lists of applicants were kept over a period of years.

The City instituted an annual, publicized, recruitment campaign, discontinued use of the list, and encouraged applications from the broadest cross-section of the population. (To do this the City widened the scope of an already existing affirmative action program originally limited to providing equality of opportunity for women.) The City submitted to the Commission the text of the advertisement and a copy of the questions for a new written examination for candidates, to ensure that there were no artificial barriers to employment of minority applicants.

The second example of affirmative action began with the concern expressed to the Commission by both the Women's Bureau and the Ontario Status of Women Council that the height and weight requirements for jobs imposed by the Metro Toronto Department of Ambulance Services had an automatic discriminatory effect on women and some ethnic groups. The Commission's investigation found that Metro Ambulance did indeed employ no women as driver-attendants in a staff of more than 400. It also discovered that a good proportion of all the ambulance services in Ontario do not have height and weight requirements and some employ women.

The Department dropped the requirement once it was

demonstrated that there is no evidence that a specific height and weight is a valid measure of any individual's physical capabilities. The Commission agreed that a standard of physical strength and fitness is a requirement for the job. The Department will devise a more accurate method of evaluating an applicant's physical capabilities and will consider an on-going fitness program for its employees.

The Commission's Executive Director noted publicly that the resolution of this project "illustrates our continuing commitment to finding broader solutions for the elimination of structural barriers to equality of opportunity."

The multifarious activities represented by this review of the Conciliation and Compliance Branch's work are organized by four regional supervisors, whose reviews of the year in their respective regions reveal an interesting variety of facts and themes.

Miss Sita Ramanujam, Supervisor of the Toronto-east region (which, at this time, extends to the Quebec border), notes that there were more complaints based on sex, marital status and age than on race and creed. The latter are at the top of the frequency list of the Branch as a whole.

The Supervisor notes that the resolution of some complaints against a Metro Toronto Board of Education led to the human rights officers involved meeting with the principals' association in an effort to sensitize the members to some of the critical issues involved when interviewing and hiring applicants who are members of visible minority groups and women. This meeting led in turn to requests from individual schools within that Board of Education for Commission officers to develop a sensitivity training program for the teachers. These requests in turn led to similar ones from other Boards of Education in Metro Toronto. The whole process constitutes an example of the snowball effect of the Commission's affirmative action programs.

The Supervisor of the Toronto-west region, Colm Caffrey, notes in his review of the year that the phenomenon of group complaints was most significant in his region and escalated the work-load alarmingly.

The Supervisor of the northern region, Jim Stratton, took over in Sudbury in mid-year and was immediately impressed — if not appalled — by the size of his region and the perennial problem of distances and the time required to traverse them.

He notes that some of the problems of one of the principal client groups in the north, the native peoples, are of a nature which requires the Commission to play a creative and interpretive role to ensure their equal access to services, facilities, housing accommodation and jobs.

The Supervisor has also observed that misconceptions abound, even in the media, about sex discrimination as it relates to employment including employment in such industries as mining and resource development.

The southwestern Ontario region saw Ms. Anita

Dahlin take over in London in mid-1976 as Supervisor. She notes that complaints based on race and those based on sex are about equal in number. This is in part a reflection of the changing complexion of the population in the region and of the growing demand for equality of opportunity by women.

The Commission's newest function, the de-fusing of tension and friction situations between different ethnic or racial groups, has taken on such large dimensions that a section or unit of the staff organization is devoted to it, headed by a manager. Mark Nakamura heads the **Community, Race and Ethnic Relations Section**. Included in this Section is the Commission's function of public education.

The evolution of this Unit has covered a quite short period. Over the past year-and-one-half, the Commission has been called upon to mediate an ever-increasing number of reported incidents of racial and ethnic friction, predominantly in neighbourhoods, schools, industry, and institutions, arising from the complex dynamics presently in existence in the area of intergroup relations. In direct response to this new challenge in the field of human rights, the Commission's community, race and ethnic relations program was developed with additional resources and the Section or Unit was formed, composed of a program manager, a community education specialist and five community relations officers, four in Toronto and one in the Commission's southwestern Ontario region.

The Unit, created in the autumn of 1976, was active, not only in resolving incidents of racial or ethnic conflict, but also in devising strategies and developing programs designed to prevent the reoccurrence of the conflict and to reduce the underlying tension which provided its breeding ground.

The Community Relations Unit and the regional officers responsible for community, race and ethnic relations program delivery realized, moreover, that successful implementation of their program requires both the proper problem diagnosis and also the cooperation of the community and its institutions. Hence, they were extremely active in strengthening old contacts and developing new ones with key ethnic and community groups and agencies.

Although the Unit's program responded to a diversity of concerns and conflicts, ranging from racial and ethnic slurs, jokes, and stereotyping in the media to religious conflict in a senior citizens' home, most activity in community, race and ethnic relations in 1976 and continuing into 1977 appeared to concentrate within three major areas — (1) the criminal justice system and its relations with minority groups (with particular emphasis on the interaction of law enforcement bodies with minority groups); (2) relations between learning institutions and minority groups; (3) racial and ethnic intergroup relations.

In these three areas, and within the last year-and-one-half, the Commission has witnessed an increase in the number of reported incidents of racial and ethnic ten-

sion. However, rising against this tide, significant gains were concurrently made in improving the ethnic relations picture in the Province. Spearheaded by the activities of the Commission's Committee for Liaison with Law Enforcement Agencies, which was strengthened over the past year by the fact that its Chairman, Bromley Armstrong, allocated greater amounts of his time to its activities, the Commission has been able to improve relations between police and minority groups throughout the province. This effort was buttressed by the vigorous efforts undertaken by Ontario's Attorney General to curb racially motivated attacks and related criminal acts. He called upon all levels of the criminal justice system to respond appropriately to these overt manifestations of racism, so that they might be controlled and eliminated.

Major breakthroughs were made in the area of relations between police and minority groups in Windsor, Hamilton-Wentworth, Peel, and Waterloo regions. Of notable interest was the police in-service training program which the southwestern regional staff and the staff of the Community Relations Unit jointly conducted with Windsor Police Department personnel. The program covered all police officers in the department, running for twelve, three-hour sessions. Commission staff used the Commission's new brochure "Seven Dialogues on Police-Minority Relations", a brochure designed for use as a training tool in sensitizing police to minority and immigrant groups.

In the case of the Waterloo Regional Police, the Commission's Kitchener officer, Victor Marcuz, and community relations specialist Ms. Doris Stern, in cooperation with the Asian-Canadian Assistance Bureau of Kitchener-Waterloo, were able to motivate the police commission to issue several resolutions which condemned the increase in racially motivated criminal acts and supported the establishment of closer liaison with visible minority and immigrant groups, in order to monitor and control such incidents. Again in cooperation with the Commission and the ethnic community, the Hamilton-Wentworth and Peel Regional Police Departments initiated similar strategies shortly thereafter.

The Metropolitan Toronto Police Department held a series of meetings with the Commission and representatives of the South Asian community to improve communication with that group and, by extension, with other visible minority and new immigrant groups. Like the other police departments, the Metro Toronto Police Department initiated joint steps to work towards the control of racially motivated assaults and acts of vandalism and to improve mutual understanding to avoid breakdowns in communication and the resulting alienation.

The year 1977 has also seen the Commission initiate dialogue with the Ontario Police College with a view to institutionalizing training programs for police in their relations with minority groups. This would involve all recruits entering police departments throughout the province. Meanwhile the Commission will be conducting a series of four-hour pilot classes at which police teachers at the college will observe and participate, so that they in turn may be able to continue the program.

In the area of learning institutions and their relations with minority groups, the Commission's public education specialist, Mrs. Kathleen Fraser, in conjunction with the Community Relations Unit in Toronto, has been very active both in establishing liaison with various Metropolitan Toronto and regional school boards and also in initiating human rights and race and ethnic relations programs, particularly for in-service training courses for teachers. Similar initiatives have been taken by the southwestern region's community relations officer, working with the Hamilton-Wentworth Board of Education.

Supplementing Commission activity at school and Board levels, the Commission, in cooperation with the Minister of Education, the Honourable Thomas Wells, established, as noted above, a Commission-Ministry of Education liaison committee composed of Mrs. Fraser for the Commission and Mrs. Catherine Michalski for

At a Commission meeting Chairman Dr. Thomas Symons presented a Certificate of Merit of the Ontario Human Rights Commission to Mr. James Carson of Toronto. Mr.

the Ministry as the official members. The committee — like other bodies — has been exploring ways and means of permeating the school curriculum with human rights concepts and race and ethnic relations subject matter, in addition to providing supportive training to teachers, both during their professional training and afterwards, on the effective use of human rights issues and on how to promote smooth intergroup relations in the classroom, the school, and its surrounding community. The committee acts as a clearing house for complaints about the content of specific textbooks and forwards them to the Ministry of Education.

When the series of assaults against individuals of South Asian origin occurred on the Toronto Transit Commission (T.T.C.), the OHRC, through its Committee for Liaison with Law Enforcement Agencies, called for a meeting among the relevant agencies, the T.T.C., the At-

Carson had set an example of concerned citizenship by intervening in a racially motivated assault on the Toronto subway system and became the victim of an assault himself.

AGS Photography



torney General and the OHRC. Resulting from this meeting, a series of further meetings developed during which efforts were made by the Attorney General and the Metro Toronto Police, on the one hand, to control further incidents of this nature. On the other hand, the T.T.C. undertook to review its security system with a view to making it more familiar to minority and immigrant groups, through advertisements in the ethnic press and the broadcast media, and the publishing of pamphlets in various languages, besides posters in the system itself. The T.T.C. also sought to ensure that human rights principles not only pervaded the T.T.C. organization, through the issuing of policy statements, but also that the public clearly understood that the T.T.C. strongly supports the principles of the Human Rights Code. The T.T.C. undertook to post the Commission's "Declaration of Management Policy" cards in the subway stations, to reprint 'he Declaration in its tear-off pamphlet "Headli it" which is placed in T.T.C. surface vehicles, and, in cooperation with the OHRC, to provide free advertising space for a Commission-designed poster to improve intergroup understanding and cooperation among T.T.C. users and, by extension, among the public at large (see back cover). Agreement has also been reached for the OHRC to review the T.T.C. training procedures with a view to initiating training programs in race and ethnic relations for its staff.

The Commission continued to encourage and assist umbrella groups, such as the Urban Alliance for Race Relations, in their programming to improve race and ethnic relations in Toronto. When the American NBC television show "Weekend" presented a documentary on Toronto, depicting it as a seething hot-bed of racism with its social fabric about to disintegrate, the Commission was quick to point out to the media that the television show ignored the positive efforts being made by community groups, institutions and individuals. The Commission also sought to put the show in its proper perspective.

In ensuring the effective dissemination of knowledge about human rights in Ontario, the Commission, in the last fiscal year alone (April, 1976 - March 1977), distributed 85,178 pieces of literature, in three languages, in addition to the regular mailings of the Commission's periodicals. Over that same fiscal year, community public education activities also increased over the previous year. Public education activities totalled 906, and included 233 speeches, seminars and conferences and 41 broadcasts and media interviews.

Major workshops were conducted with the Ontario Housing Corporation's community relations workers, lectures were continued with the Toronto Police College's in-service training program and seminars were given to Canada Manpower Centres throughout Ontario. Program assistance was provided to such groups as the Black Liaison Committee, the Manitoulin Native Human Rights Committee, and various Native Friendship Centres throughout the province. The northern regional staff not only continued to strengthen ties with the various native peoples' treaty organizations and the Ontario Métis and Non-Status Indian Association, but also

initiated contacts with native reserve communities not located close to the northern highways in order to identify problems and offer Commission assistance.

In comparing statistics in the area of community, race and ethnic relations over the past two fiscal years, a phenomenal increase in activity can be observed in 1976-'77. Community relations projects increased 100%, related activities 300% and overall output more than doubled.

Realizing that the reduction of racial and ethnic tension in society can only result from cooperation and community response, the Commission is happy to see the development of two significant committees, one in the region of Peel and another at McMaster University. The McMaster Human Rights Committee, composed of administration, faculty, students, and the community, developed from the diagnosis of community conflict between foreign students on campus and other students and the neighbouring community. The committee is currently, with the Commission's assistance, searching out strategies for resolving the underlying tension which led to the conflict.

On the other hand, the Peel Inter-Community Relations Association, composed of school trustees, the police, an M.P., the Social Planning Council, a mayor, and concerned residents and ethnic leaders, was constituted with Commission assistance as a preventative measure in order to avoid the development of race and ethnic tension in its region. Both committees, although still in their early stages of development, are actively seeking solutions and instituting programs designed to promote harmonious intergroup relations in a multiracial-multicultural society.

New Staff Appointments

A number of new persons have been appointed to the Commission's staff since the last issue of *Human Relations*.

The first manager, program review and design is Miss Jill Armstrong. She was formerly on the staff of the Special Joint Committee of the Senate and the House of Commons on Immigration Policy, and on the staff of the Canadian Immigration Project, Department of Manpower and Immigration. She was a lecturer in sociology at the University of Toronto, an executive assistant at the Canadian Civil Liberties Association and an information officer with the (then) Ontario Department of Labour. She holds a diploma in journalism from Ryerson Polytechnical Institute, and is a graduate of the University of Toronto and the holder of an M.A. in sociology. She has done doctoral work in sociology at the University of Toronto.

The following five persons are officers in the Community Relations Section.

Mrs. Joyce Burpee was previously the program coordinator of the Black Education Project and a research assistant for the Ontario Institute for Studies in Education. She is a graduate of York University and holds the M.A. in Education from O.I.S.E.

Ronald Butcher was with the Canadian International Development Agency as a project officer for the East Africa division. He taught history in Nigeria under the auspices of CUSO. He is a graduate of Trent University in history.

Howard Jones is a graduate of the University of Western Ontario in business administration with a specialization in human relations. He worked as a summer student for the Commission during the four years of his attendance at college.

Mark Krakowski was previously a parole service officer in the Federal Government. He was a research assistant with the Addiction Research Foundation. He is a graduate of the University of Western Ontario in history and holds an M.A. in sociology from the New School for Social Research in New York City.

Ms. Doris Stern is stationed in the Hamilton office. She came to the Commission from the Hamilton Public Participation Program. She was previously director of the Hamilton Racial and Ethnic Encounter Group, Inc. She was coordinator and chairperson of the Hamilton Anti-Racism Committee and has been a free-lance consultant on the design and leadership of workshops in various aspects of intergroup relations. She is a graduate of the University of Toledo and of the Master's Program in social welfare policy at McMaster University.

The following are officers in the Conciliation and Compliance Branch.

Ms. Catherine Burr, stationed in London, was the coordinator of "Careers and Roles", an L.I.P. project in Sarnia. She was the women's studies coordinator for the Information and Community Referral Centre. She is a graduate of the University of Toronto in political economy.

Frank Folz, stationed in Toronto, was director of community development for the Roman Catholic diocese of Zacapa in Guatemala. He is a graduate of the University of Western Ontario in philosophy and holds the B.Th. degree from St. Peter's College in London, Ontario.

Mrs. Penny Goldrick, stationed in Toronto, came to the Commission from the Times Change Employment Service where she was an employment counsellor. She is a founder of the first Women's Credit Union in Canada and was a social worker for the Children's Aid Societies of Kingston and Ottawa. She is a graduate of the University of British Columbia in economics and political science and of the College of Education of the University of Toronto.

William Jackson, stationed in Kenora, was with the Ministry of Community and Social Services and the Company of Young Canadians. He is a graduate of the University of Waterloo in political science.

Peter Legacy, stationed in Sault Ste Marie, was a social worker with the Children's Aid Society. He is a graduate of the University of North Dakota and holds the M.S.W. from St. Louis University.

Ms. Thérèse Legault, stationed in Ottawa, was formerly an officer with the social services department of the Regional Municipality of Ottawa-Carleton, and a welfare field worker with the Ministry of Community and Social Services. She is graduate of the University of Ottawa.

Wesley McKenzie stationed in Toronto, was a social worker and a staff training officer for the Ministry of Correctional Services and, previously, an instructor in the Jamaican police force. He is a clergyman in the Pentecostal Church. He is a graduate of York University in sociology and holds the B.S.W. from York University and the M.S.W. from Sir Wilfrid Laurier University, Waterloo.

Go in peace.



These are the posters of the advertising campaign jointly sponsored by the Ontario Human Rights Commission and the Toronto Transit Commission. They appeared on both the subway and surface transportation vehicles.

**For Pete's sake, for Juanita's sake,
for Horst's sake, for Liv's sake,
for Dimitri's sake, for Maria's sake,
for Nadia's sake, for Chi Ming's sake,
for Aziz's sake, for Sol's sake**

for everybody's sake let's work together.



Ontario
Human Rights
Commission



